



The Attorney General of Texas

April 8, 1983

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Honorable Henry Wade
District Attorney
Dallas County Government Center
Dallas, Texas 75202

Open Records Decision No. 369

Re: Whether records on prior service of jurors in criminal cases maintained by Dallas County Attorney are available to public under the Open Records Act

Dear Mr. Wade:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to the availability of certain records maintained about former jurors in criminal cases.

You indicate that the Dallas County District Attorney's office maintains computerized listings, dating from about 1952, of all former jurors in criminal cases. The records include (1) the name and address of the juror; (2) the assistant district attorney assigned to the case; (3) the name of the defendant and the crime charged; (4) the verdict and sentence and (4) notations which reveal "subjective opinions and conclusions made by prosecutors regarding the relative desirability from the State's viewpoint of having the affected juror on another case." You state that you have no objection to releasing all of the requested information except the prosecutors' notations, and suggest that these notations are excepted from disclosure by section 3(a)(8) as:

records of law enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law enforcement agencies which are maintained for internal use in matters relating to law enforcement.

A criminal district attorney's office is a "law enforcement agency" for purposes of section 3(a)(8). See Open Records Decision No. 340 (1982). In Ex parte Pruitt, 551 S.W.2d 706 (Tex. 1977), the Texas Supreme Court said that information may be withheld by a law enforcement agency under section 3(a)(8) if its disclosure would "unduly interfere with law enforcement and crime prevention." Id., at

710. In our opinion, disclosure of prosecutors' subjective comments about former jurors would tend to indicate the state's possible strategy in future prosecutions, and, in doing so, would compromise the state's effectiveness in prosecuting criminal matters. As a result, we believe it may fairly be said that release of this information would "unduly interfere with law enforcement and crime prevention." We note that, in Linebarger v. State, 469 S.W.2d 165 (Tex. Crim. App. 1971), the Texas Court of Criminal Appeals held that:

the State has no obligation to furnish counsel for accused with information he has in regard to prospective jurors.

Id., at 167. See also Martin v. State, 577 S.W.2d 490, 491 (Tex. Crim. App. 1979); Enriquez v. State, 429 S.W.2d 141, 145 (Tex. Crim. App. 1968).

We conclude that notations which consist of prosecutors' subjective evaluations of former jurors are excepted from disclosure by section 3(a)(8) of the Open Records Act.

Very truly yours,



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