



THE ATTORNEY GENERAL
OF TEXAS

WILL STAFFORD
ATTORNEY GENERAL

January 11, 1990

Mr. George Staples, Jr.
Attorney
Staples, Foster & Hampton
701 Texas Commerce Bank Building
860 Airport Freeway West
Hurst, Texas 76054

Dear Mr. Staples:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8361; this decision is OR90-013.

The Hurst Police Department received an open records request from Mr. Donald Ray Wormley for certain records relating to his arrest for aggravated robbery. You contend that sections 3(a)(3) and 3(a)(8) of the Open Records Act protect these records from required public disclosure.

We have considered the exceptions you claimed and reviewed the documents at issue. You have not demonstrated to this office, nor is it apparent from the face of the documents, that the records at issue relate to litigation such that their release would adversely affect the city's litigation interests, see Open Records Decision No. 478 (1987), or that release of these records would unduly interfere with law enforcement efforts. See Ex parte Pruitt, 551 S.W.2d 706 (Tex. 1977). Because of the violent nature of the crime committed, however, you may withhold the home addresses of all witnesses who cooperated with the investigation; the remaining information must be released.

Finally, we note that the requestor has asked that the act's provisions governing the costs of copies be waived because he is indigent. Although the act has recently been amended to allow the waiver or reduction of copying fees in certain instances, see V.T.C.S. art. 6252-17a, § 9(g), indigents are not required to be exempt from the cost provisions of the act. Open Records Decision No. 433 (1986).

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Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-013.

Yours very truly,
*Open Government Section
of the Opinion Committee*

S. G.

Open Government Section
of the Opinion Committee
Approved by Susan Garrison
Assistant Attorney General

SG/RWP/le

Ref.: ID# 8361, 8201

cc: Donald Ray Wormley
TDC# 490102
Route 2, Box 2250
Palestine, Texas 75801