



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

May 22, 1990

Mr. Don W. Smith
First Assistant City Attorney
City of Pasadena
P.O. Box 672
Pasadena, Texas 77501

OR90-194

Dear Mr. Smith:

You ask that this office reconsider its ruling in Open Records Letter OR90-155 (1990), in which we concluded that the contents of internal investigation file No. 219 was not excepted from required public disclosure by section 3(a)(3) of the Open Records Act. Your request was assigned ID# 9568. We now withdraw OR90-155 and replace it with this letter ruling.

In light of the facts that criminal proceedings are currently pending regarding this matter and the district attorney has determined that this information should be withheld from public inspection, you may withhold the internal investigation file pursuant section 3(a)(3). See Open Records Decision Nos. 469 (1987); 121 (1976); see also Code Crim. Proc. art. 39.14.

If you have questions about this ruling, please refer to OR90-194.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le

Ref.: ID# 9568, OR90-155

cc: Lorraine Adams
Staff Writer
The Dallas Morning News
Communications Center
Dallas, Texas 75202