



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

July 10, 1990

Honorable Tom O'Connell
Criminal District Attorney
Collin County Courthouse
McKinney, Texas 75069

OR90-297

Dear Mr. O'Connell:

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# 9809. The request is for information regarding a criminal defendant that has pled guilty.

We have considered the exceptions you claimed, specifically sections 3(a)(1) and 3(a)(8), and have reviewed the documents at issue. Previous determinations of this office, Open Records Decision Nos. 551 (1990) and 216 (1978), copies of which are enclosed, resolve your request.

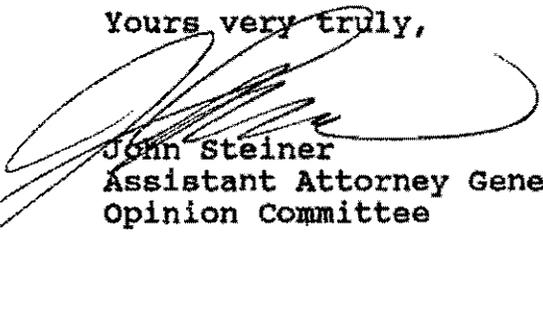
Section 3(a)(3) excepts information related to litigation while such litigation is reasonably anticipated and during the actual pendency of such litigation. The litigation exception may no longer be claimed once all parties to the litigation have the information in question. Open Records Decision No. 551 (1990). You have not asserted that further litigation with regard to the requested information is reasonably anticipated.

The availability of Section 3(a)(8) as an exception to public disclosure is restricted with respect to closed files. To except information from public disclosure, the release of the requested information must unduly interfere with law enforcement. You have not asserted that there is any ongoing criminal investigation with respect to this matter, nor have you explained how the release of the requested information will unduly interfere with law enforcement. Accordingly, you must release the requested information.

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 OR90-297.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/le

Ref.: ID# 9809

Enclosure: Open Records Decision Nos. 551, 216

cc: Harry F. Smith
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