



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTON  
ATTORNEY GENERAL

October 22, 1990

Honorable John F. Miller, Jr.  
Criminal District Attorney  
Bowie County  
P.O. Box 3030  
Texarkana, Texas 75504

OR90-511

Dear Miller:

By letter of August 3, 1990, you ask whether the case file of an individual who has been convicted but who is appealing his case is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10274.

You claim that section 3(a)(3), the litigation exception, applies to the case file. For purposes of section 3(a)(3), the state is considered to be a party to litigation of a criminal nature until the defendant has exhausted all appellate and post-conviction remedies in state and federal court. Section 3(a)(3) of the Open Records Act excepts information in your case file from disclosure, with the exception of information that has already been made available to the defendant through discovery or otherwise.

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 OR90-511.

Yours very truly,

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

Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/le  
Ref.: ID# 10226, 10274  
Enclosure: Open Records Decision No. 551

cc: Edward Lyon  
Rt. 1 Box 150  
Tennessee Colony, Texas 75861