



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

October 25, 1990

Mr. Robert E. Diaz  
Assistant City Attorney/  
Police Legal Advisor  
Arlington Police Department  
P.O. Box 1065  
Arlington, Texas 76004-1065

OR90-515

Dear Mr. Diaz:

You previously asked whether certain personnel file information of a named Arlington police officer is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your most recent letter to this office was assigned ID# 10791.

In your prior correspondence to this office, you sought to withhold the requested information pursuant to section 3(a)(3) of the Open Records Act. This office stated in Open Records Letter OR90-446 (1990) that unless we received notice from the prosecuting district attorney or assistant district attorney that the information related to the criminal litigation, the information could not be withheld.

This is to confirm that this office has received notice from Mr. Charles Brandenburg, Assistant Criminal District Attorney for Tarrant County, that personnel records of Arlington Police Officer Michael Ikner relate to pending criminal litigation and that those records should not be released at this time pursuant to section 3(a)(3) of the Texas Open Records Act, V.T.C.S. article 6252-17a. Mr. Paul C. Velte's previous request for these records through the criminal discovery process was denied. You may therefore withhold the requested documents pursuant to section 3(a)(3) until such time that the criminal defendant is acquitted or, if convicted, until he has exhausted all post-conviction remedies. See V.T.C.S. art. 6252-17a, § 3(e).

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 OR90-515.

Yours very truly,



Jim Moellinger  
Assistant Attorney General  
Opinion Committee

JM/RWP/le

Ref.: ID# 10791  
ID# 10841  
OR90-446

cc: Charles Brandenberg  
Assistant District Attorney  
Tarrant County  
401 W. Belknap  
Fort Worth, Texas 76102

Paul C. Velte IV  
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Austin, Texas 78701