



Office of the Attorney General
State of Texas

July 13, 1993

DAN MORALES
ATTORNEY GENERAL

Mr. Donald G. Davis
Assistant District Attorney
Dallas County
133 North Industrial Boulevard - LB 19
Dallas, Texas 75207-4313

OR93-449

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 20817.

The Dallas County District Attorney's Office (the "district attorney") has received a request for "any records you have in the criminal cases brought against Walter Lewis Perryman arising from an incident on August 6, 1991," including "the reports, guidelines and orders for outpatient care." You advise us that the district attorney is in possession of four files responsive to the request. Three of these files, the release of which you do not contest, relate to closed criminal prosecutions. However, you object to release of the fourth file, which relates to the defendant's commitment for evaluation pursuant to section 4, article 46.03 of the Code of Criminal Procedure. You claim that release of this file would violate an order of the Dallas County criminal district court.

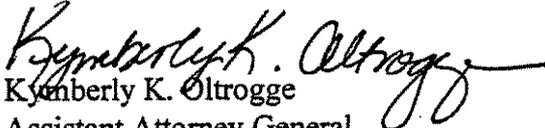
Section 3(a)(7) of the Open Records Act excepts from required public disclosure:

matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, *or which by order of a court are prohibited from disclosure.* [Footnote omitted; emphasis added.]

See also Open Records Decision Nos. 415 (1984) at 2; 309 (1982) at 5; 143 (1976) at 1. You advise us that the Dallas County criminal district court has issued an order sealing the commitment file. Accordingly, section 3(a)(7) of the Open Records Act prohibits the district attorney from releasing this information.

Because 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 contact this office.

Yours very truly,


Kimberly K. Altrogge
Assistant Attorney General
Opinion Committee

KKO/GCK/jmn

Ref.: ID# 20817

cc: Mr. Pete Slover
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