



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 21, 1994

Mr. Boyd Kennedy
Staff Attorney
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

OR94-733

Dear Mr. Kennedy:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27803.

The Texas Parks and Wildlife Department (the "department") has received a request for department records pertaining to a certain citation issued by a department game warden. You advise that the person cited was convicted in justice court of the offense for which he was cited, but now has the right to a trial *de novo* in county court if he chooses to appeal, and that he has in fact indicated an intent to appeal. You say that the department has released portions of the requested records---which appear to us, upon examination, not to have been legally withholdable in any case--but wishes to withhold the rest of the requested information on the basis of section 552.103 which permits withholding of information related to pending litigation to which the state or a political subdivision is, or may be, a party.

We have examined the information at issue and conclude that you may withhold it on the basis of section 552.103 until litigation is no longer pending or reasonably anticipated or until the defendant therein otherwise obtains access to the information. See Open Records Decision No. 469 (1987).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision.

If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "William Walker", with a long horizontal line extending to the right.

William Walker
Assistant Attorney General
Open Government Section

WMW/MAR/rho

Ref: ID# 27803

Enclosures: Submitted documents

cc: Mr. Wayne Hanson
P.O. Box 1942
Jasper, Texas 75951
(w/o enclosures)