



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 31, 1995

Mr. Jay H. Granberry  
Deputy City Attorney  
Legal Department  
City of Bryan  
P.O. Box 1000  
Bryan, Texas 77805

OR95-1161

Dear Mr. Granberry:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 36446.

The City of Bryan Police Department received an open records request for information concerning an incident that took place on April 18, 1995. The requestor apparently possesses at least one document regarding this incident. We assume that you do not wish to withhold that document from the requestor. You do, however, wish to withhold the remaining information regarding the incident, and you argue that section 552.103 of the Government Code excepts that information from required public disclosure.

We conclude that section 552.103(a) permits you to withhold some of the requested information. To secure the protection of section 552.103(a), a governmental body must demonstrate that the requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding to which the state or political subdivision is or will be a party. Open Records Decision No. 551 (1990) at 5. In this case, you indicate that the individual arrested in connection with the incident was scheduled to be arraigned on October 27, 1995, and that the prosecutor in the pending case has determined that the requested information should be withheld. In addition, the information you submitted for review clearly relates to this pending case. Therefore, you may withhold at least some of the information submitted for review under section 552.103.

You may not, however, withhold the information generally found on the first page of an offense report under section 552.103. The court in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), concluded that the information generally found on the first page of an offense report should usually be available to the public. Under section 552.103, the information generally found on the front page of an offense report must be released once the defendant had been indicted or otherwise informed of the nature of the charges against him. Open Records Decision No. 597 (1991) at 3. The defendant in this case has been informed of the charges against him. Therefore, you must release all the information identified as first-page offense report information in *Houston Chronicle*, regardless of where it is found. For your convenience, we have marked the documents accordingly.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll  
Assistant Attorney General  
Open Records Division

MAR/rho

Ref.: ID# 36446

Enclosures: Marked documents

cc: Roy D. Brantley  
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(w/o enclosures)