



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 8, 1996

Mr. Miles K. Risley
Interim City Attorney
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR96-0491

Dear Mr. Risley:

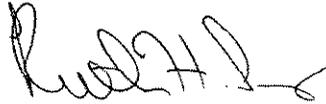
You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39372.

The City of Victoria (the "city") received a request for information concerning an assault for which the defendant was placed on deferred adjudication. You indicate you have already released certain information to the requestor, including first page offense report information. You contend, however, that other responsive information is excepted from public disclosure under section 552.108 of the Government Code.

When applying section 552.108, this office distinguishes between cases that are still under active investigation or prosecution and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation or prosecution, section 552.108 excepts from disclosure all information except that generally found on the first page of an offense or arrest report. *See 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*, 586 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Section 552.108 is applicable while the case is being investigated and through prosecution until acquittal or conviction. Attorney General Opinion MW-446 (1982) at 2. You contend that until the defendant's completion of probation, section 552.108 is applicable to these records. Because the defendant received deferred adjudication and has not completed his probationary period, we agree that section 552.108 is applicable to the records at issue.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 39372

Enclosures: Submitted documents

cc: Mr. Richard A. Torres, Jr.
1508 1/2 Commercial
Victoria, Texas 77901
(w/o enclosures)