



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 17, 1996

Mr. James M. Kuboviak  
County Attorney  
Brazos County Courthouse  
Bryan, Texas 77803

OR96-0735

Dear Mr. Kuboviak:

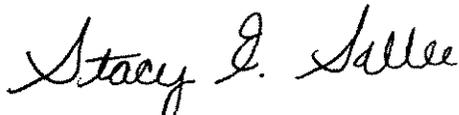
You seek reconsideration of Open Records Letter No. 96-0384 (1996), in which this office determined that the Texas Open Records Act, Government Code chapter 552, required the Brazos County Sheriff (the "sheriff") to make certain information available to the requestor and required the sheriff to withhold certain requested information. We have assigned your request for reconsideration ID# 39718.

The sheriff received a request for 14 categories of documents relating to the arrest and detention of Steven Jeffery. You sought to withhold the requested information under sections 552.101, 552.102, 552.103, 552.107, 552.108, 552.109, 552.111, 552.115, 552.117, and 552.119 of the Government Code. We concluded in Open Records Letter No. 96-0384 (1996) that with the exception of information that was protected by the Medical Practices Act and information that did not exist at the time the request for information was received, the sheriff must release the requested information unless he could show that a compelling reason existed for withholding the requested information.

We have examined your request for reconsideration. Although you have provided us with additional arguments in an attempt to demonstrate the applicability of section 552.103 to the requested information, these arguments should have been made in connection with the original request for an opinion from this office. *See Gov't Code* § 552.301(b)(1) (governmental body must submit to attorney general written comments stating reasons why stated exceptions apply within fifteen calendar days after date of receiving written request for information). We note that this office has previously held that a demonstration of the applicability of section 552.103 does not constitute a "compelling reason" to overcome a presumption of openness. *See Open Records Decision*

Letter No. 96-0348 (1996). If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/ch

Ref.: ID# 39718

cc: Mr. Kyle A. Davis  
P.O. Box 471  
Bryan, Texas 77806