



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 23, 1996

Mr. Scott A. Durfee
General Counsel
Office of the Harris County District Attorney
201 Fannin, Suite 200
Houston, Texas 77002-1901

OR96-0774

Dear Mr. Durfee:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39113.

The Office of the Harris County District Attorney (the "district attorney") received a request for disclosure of the district attorney's file for Cause No. 9406233. You contend the requested information is excepted from required public disclosure under sections 552.101, 552.103, 552.107, and 552.108 of the Government Code.

As you are aware, the issues raised by your file, ID# 39113, are the subject of pending litigation between the district attorney and the Office of the Attorney General, now on appeal to the Texas Supreme Court. *See Holmes v. Morales*, 906 S.W.2d 570 (Tex. App.--Austin 1995, writ granted). However, pursuant to section 552.306 of the Government Code, the attorney general is required to issue a written opinion within sixty working days from the date the attorney general receives a request for an open records decision.¹ As the Supreme Court's ruling will be controlling in this matter, we must conclude that you may withhold the requested information until the Court issues

¹The attorney general's deadlines to issue a written opinion apply only to requests for decisions received by this office on or after January 1, 1996. Act of May 29, 1995, 74th Leg., R.S., ch. 1035, § 26(c), 1995 Tex. Sess. Law Serv. 5127, 5142. This office has additional requests from the district attorney that were received prior to January 1, 1996. These files will be held until the Supreme Court reaches a decision in this matter, at which time we will rule in accordance with the Court's decision.

a decision. Once the Court rules, should the requestor still desire access/copies of the requested information, you must disseminate the information in accordance with the Court's decision or request another ruling from this office.

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

Yours very truly,



Sandra L. Coaxum, CPA
Chief, Open Records Division

SLC/LBC/cbh

Ref: ID# 39113

Enclosures: Submitted documents

cc: Mr. Bill Baker
Legal Assistant
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(w/o enclosures)