



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 26, 1996

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

OR96-1282

Dear Mr. Durfee:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 100308.

The Harris County, Texas, District Attorney (the "district attorney") received a request for the following four items of information pertaining to its file for *State of Texas v. Andre Leothus White*, Cause No. 664758 in the 263rd District Court of Harris County:

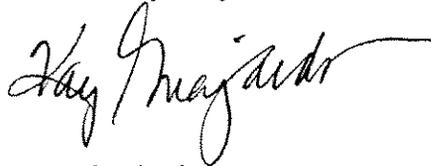
1. Any scientific examination or DNA test performed pursuant to Cause No. 664758;
2. The complete pre-sentence investigation performed pursuant to Cause No. 664758;
3. Any search warrant issued by the State to obtain blood samples from Defendant in Cause No. 664758;
4. Any waiver or consent to search or seize signed by the Defendant in this cause.

You inform us that the district attorney does not object to the disclosure of the third item, the search warrant. You state that the district attorney is unable to locate information responsive to items two and three. With respect to the first requested item, you assert that the requested information is excepted from required public disclosure based on sections 552.101, 552.103 and 552.108 of the Government Code.

Section 552.108 excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime,” and “[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution.” Gov’t Code § 552.108; *see Holmes v. Morales*, 39 Tex. Sup. Ct. J. 781, 1996 WL 325601 (June 14, 1996). We, therefore, conclude that section 552.108 of the Government Code excepts the requested DNA test results from required public disclosure.¹

We are resolving this matter with this 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 may 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,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 100308

Enclosures: Submitted documents

cc: Mr. Howard H. White
P.O. Box 1102
Spring, Texas 77383-1102
(w/o enclosures)

¹Having concluded that you may withhold the requested information from disclosure pursuant to section 552.108, we need not address the other exceptions you raise at this time.