



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

OR96-1283

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# 100461.

The Harris County, Texas, District Attorney (the "district attorney") received a request "to review and copy all files, records and any other documents in [its] possession pertaining to *State of Texas v. James Edward Randle*, No. 388,990, 339th Dist Court [and] *State of Texas v. Richard James Wilkerson*, No. 383,749, 179th Dist Court." You assert that the requested information is excepted from required public disclosure based on sections 552.101, 552.103, 552.107 and 552.108 of the Government Code.

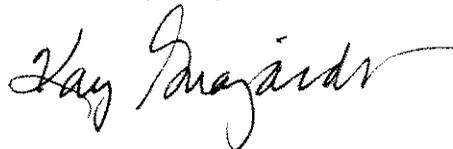
Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters 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 note, however, that information normally found on the front page of an offense report is generally considered public. *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); Open Records Decision No. 127 (1976). We therefore conclude that, except for front page offense report information, section 552.108 of the Government Code excepts the requested records from required public disclosure. On the other hand, you may choose to release all or part of the information that is not otherwise confidential by law. Govt Code § 552.007.<sup>1</sup>

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<sup>1</sup>Having concluded that the district attorney may withhold the requested information pursuant to section 552.108, we need not address the other exceptions you raise.

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,

A handwritten signature in cursive script that reads "Kay Guajardo".

Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 100461

Enclosures: Submitted documents

cc: Mr. Jim Marcus  
Staff Attorney  
Texas Defender Service  
412 Main, Suite 700  
Houston, Texas 77002  
(w/o enclosures)