



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 12, 1996

Mr. Leonard W. Peck, Jr.  
Assistant General Counsel  
Legal Affairs Division  
Texas Department of Criminal Justice  
P.O. Box 99  
Huntsville, Texas 77342-0099

OR96-1644

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101562.

The Texas Department of Criminal Justice (the "department") received a request for information relating to the death of inmate Daniel Miguel Avellaneda at the department's Robertson Unit in Abilene on July 8, 1996. Among other things, the requestor has asked for a list of the names and numbers of inmates and the names of correctional officers who were assigned to No. 13 Hoe Squad at the Robertson Unit during the week of July 8, 1996. You contend that this list is excepted from disclosure under section 552.108 of the Government Code.<sup>1</sup>

Specifically, you contend that this list is excepted from disclosure under section 552.108 because it is "the core of the witness list for the criminal investigation" of Mr. Avellaneda's death. 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*, 924 S.W.2d 920 (Tex. 1996). We conclude that section 552.108 of the Government Code excepts the list from disclosure. You may, however, choose to release the list to the requestor. *See* Gov't Code § 552.007.

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

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<sup>1</sup>We assume that you have released to the requestor all of the other information that he requested.

to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 101562

Enclosures: Submitted documents

cc: Mr. Howard Swindle  
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