



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 17, 1997

Ms. Roberta A. Lloyd
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR97-0867

Dear Ms. Lloyd:

On behalf of the Harris County Constable, Precinct 5 (the "constable"), you ask us to reconsider Open Records Letter No. 97-0306 (1997). Your request was assigned ID# 105532.

The constable received a request from Mr. Harry Bowles for information relating to a traffic stop. In Open Records Letter No. 97-0306 (1997), we concluded that the constable did not reasonably anticipate litigation and, therefore, could not withhold the requested information from disclosure under section 552.103(a) of the Government Code. You have submitted new information to this office to support your arguments under section 552.103(a). We have reviewed this new information and reconsidered your section 552.103(a) claim. We conclude that the new information submitted to this office establishes the likelihood of litigation involving the constable. Therefore, the constable may withhold the information relating to the traffic stop from disclosure under section 552.103(a).

The constable also received a related request from Mr. Stanley Cohen for information about Mr. Bowles' open records request. In Open Records Letter No. 97-0306 (1997), we concluded that a document entitled "Memorandum Brief" is not excepted from required public disclosure and must be released, but we did not specify that this document must be released to Mr. Cohen. Because the "Memorandum Brief" is not excepted from disclosure and was created prior to the date on which the constable received Mr. Cohen's open records request, the constable must release the "Memorandum Brief" to Mr. Cohen in response to his request.

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 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,

Open Records Division
Office of the Attorney General

Ref: ID# 105532

cc: Mr. Harry Bowles
306 Big Hollow Lane
Houston, Texas 77042
(w/o enclosures)

Mr. Stanley Cohen
H.E.L.P. - Texas
P.O. Box 19798
Houston, Texas 77224
(w/o enclosures)