



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 29, 1997

Mr. Ron Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR97-1968

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 108642.

The Texas Department of Public Safety (the "department") received a request for "a copy of the measurements, photographs and a copy of the level one inspection that was performed on the Valley Transit Bus by License and Weights Sgt. Juan Ramos." This information is related to an accident that occurred on June 8, 1997 in Jim Wells County, Texas. You assert that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents submitted.

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). You state that criminal charges are pending as a result of the investigation of the accident by department Trooper Robert D. Bradshaw, and that the case is to be presented to a grand jury to determine if prosecution will result. We therefore find that the requested information relates to the detection, investigation, or prosecution of crime and is thus excepted from disclosure under section 552.108.

Although section 552.108 authorizes you to withhold this information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *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 to us in this request and should 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,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/ch

Ref: ID# 108642

Enclosures: Submitted documents

cc: Mr. Robert M. Hagy  
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(w/o enclosures)