



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 19, 1997

Mr. Lindsey Roberts
Assistant District Attorney
Dallas County
Frank Crowley Courts Building, LB19
Dallas, Texas 75207-4399

OR97-2804

Dear Mr. Roberts:

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# 111809.

The Dallas County District Attorney's Office received a request for its file in the case of Jessie Patrick. 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.

You assert that Exhibits 5, 6, 7, 8, 9, and 10 are protected under section 552.108(a)(3) of the Government Code, which reads as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

...

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation;

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

We have reviewed the submitted exhibits and believe that they are covered by section 552.108(a)(3). However, section 552.108 contains the following provision:

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Thus, section 552.108 does not apply to "basic information about an arrested person, an arrest, or a crime." We believe such "basic information" means the front page offense report information the court in *Houston Chronicle Publ'g 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) determined to be public information. See Open Records Decision No. 127 (1976). Thus, we conclude that section 552.108 applies to the information, but with the noted exception for basic information.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 Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref: ID# 111809

Enclosures: Submitted documents

cc: Mr. Roy E. Greenwood
P.O. Box 163325
Austin, Texas 78716-3325
(w/o enclosures)

¹This office has also concluded that section 552.103 does not apply to front page offense report information. Open Records Decision Nos. 597 (1991), 362 (1983). In light of our decision under section 552.108, we need not address your other claimed exceptions at this time.