



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 9, 1998

Mr. Lindsey Roberts
Assistant District Attorney
Dallas County
Frank Crowley Courts Building, LB 19
Dallas, Texas 75207-4399

OR98-0650

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# 113065.

The Dallas County District Attorney (the "district attorney") received a request for its file in the prosecution of George Anderson Hopper for capital murder. You state that the district attorney has released to the requestor copies of all documents that were provided to defendant's counsel prior to or during the trial. You assert that the remainder of the file is excepted from disclosure by sections 552.103 and 552.108 of the Government Code.

Section 552.108(a)(3) of the Government Code 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;
or

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

We have reviewed your arguments. We conclude that the district attorney has established that the information is excepted from required public disclosure based on section 552.108(a)(3). However, an autopsy report is made public by statute and thus may not be withheld from disclosure based on section 552.108 of the Government Code. Code Crim Proc. art. 49.25; *see* Open Records Decision No. 529 (1989).

In light of our conclusion under section 552.108, we need not address your section 552.103 claim. 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# 113065

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