



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 14, 1998

Mr. Matthew C. G. Boyle
Boyle & Lowery, L.L.P.
4201 Wingren, Suite 108
Irving, Texas 75062-2763

OR98-0965

Dear Mr. Boyle:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114378.

The City of Farmers Branch (the "city"), which you represent, received a request for records relating to the arrest of Richard Lynn Collins for a homicide that occurred on January 29, 1998. You state that you have released the offense report, the transcript of the 911 call, and the dispatch report from the 911 call. You contend that four other documents are excepted from disclosure pursuant to sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Initially, we note that you are seeking to withhold an arrest warrant and a search warrant. Both of these documents appear to have been filed with a court. Documents that have been filed with a court are generally considered public and must be released. *See, e.g., Star Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992).¹

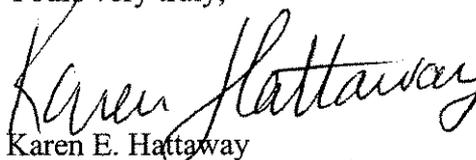
The remaining documents at issue are a police officer's description of the events he witnessed on January 29, 1998, and a property/evidence control form. Section 552.108(a)(1) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." You state that the remaining documents relate to a pending criminal investigation. Based upon this representation, we conclude that the release of these documents would interfere with the detection, investigation, or prosecution of crime.

¹Although you did not submit a search warrant affidavit to this office for review, we note that if a search warrant has been executed, the accompanying search warrant affidavit must be released to the public in accordance with article 18.01(b) of the Code of Criminal Procedure.

See 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) (court delineates law enforcement interests that are present in active cases). Thus, the city may withhold these documents from disclosure pursuant to section 552.108(a)(1).²

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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 114378

Enclosures: Submitted documents

cc: Mr. Kendall Anderson
The Dallas Morning News
P.O. Box 655237
Dallas, Texas 75266
(w/o enclosures)

²Because we are able to resolve this matter under section 552.108, we need not address your section 552.103 claim.