



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 30, 1998

Captain Robert Taylor
Amarillo Police Department
City of Amarillo
200 S.E. Third Avenue
Amarillo, Texas 79101-1514

OR98-1105

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115375.

The Amarillo Police Department (the "department") received an open records request for a particular incident report pertaining to a homicide. You seek to withhold the requested report pursuant to section 552.108(a)(2) of the Government Code, which excepts from required public disclosure "information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication." You inform us that the criminal investigation has concluded and that because this case was never adjudicated it did not result in a conviction or deferred adjudication. Given these representations, we conclude that you have met your burden of establishing the applicability of section 552.108(a)(2) to the incident report.

Section 552.108 of the Government Code does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Consequently, you must release to the requestor the categories of information specifically made public in *Houston Chronicle Publishing Company 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).

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,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/RWP/rho

Ref.: ID# 115375

Enclosure: Submitted document

cc: Ms. Michelle Snyder
1013 Shelley Drive
Canyon, Texas 79015
(w/o enclosure)