



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 1, 1998

Ms. Tina Morales  
Senior Records Analyst  
Office of the Travis County District Attorney  
P.O. Box 1748  
Austin, Texas 78767

OR98-1369

Dear Ms. Morales:

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# 115741.

The Travis County District Attorney's Office (the "county") received a request for records involving a complaint made by an agency concerning allegations of fraudulent travel vouchers. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 of the Government Code excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) *it is 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; or*

(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 [and]

(b) An 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 . . . if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution;

(2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) the internal record or notation:

(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.

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime. [Emphasis added.]

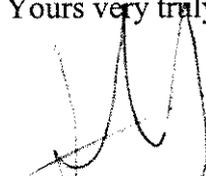
You have informed this office that the requested documents pertain solely to an offense for which the investigation did not result in conviction or deferred adjudication as you explain that “in light of the relatively small sum of money involved in this case the district attorney’s office declined to prosecute this case, after the accused person paid the required restitution.” We therefore conclude that you have met your burden of establishing that the documents relate to “an investigation that did not result in conviction or deferred adjudication.” The county therefore may withhold the requested documents pursuant to section 552.108(a)(2) of the Government Code although you may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov’t Code § 552.007.<sup>1</sup>

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<sup>1</sup>We note, however, that you must release the type of information that is considered to be front page offense report information. See generally Act of June 1, 1997, H.B. 951, § 1, 75th Leg., R.S. (to be codified at Gov’t Code § 552.108(c)); *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); Open Records Decision No. 127 (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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/glg

Ref.: ID# 115741

Enclosures: Submitted documents

cc: Ms. Betty A. Lewis  
8225 Leopard, # 164  
Corpus Christi, Texas 78409  
(w/o enclosures)