



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 17, 1998

Mr. E. Cary Grace
Assistant City Attorney
City of Houston
P. O. Box 1562
Houston, Texas 77251

OR98-1947

Dear Mr. Grace:

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# 117914.

The City of Houston (the "city") received an open records request for the complete offense report pertaining to a particular drug offense. You have submitted to this office the requested offense report and contend that, except for 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), the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code.

Section 552.108(a)(2) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . 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." You inform us that the criminal prosecution for this offense has been dismissed. We therefore conclude that you have met your burden of establishing the applicability of section 552.108(a)(2) and that the information at issue therefore may be withheld.

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,



Yen Ha Le
Assistant Attorney General
Open Records Division

YHL/RWP/nc

Ref.:ID # 117914

Enclosures: Submitted documents

cc: Ms. Joan Barnes
15930 Dante Drive
Houston, Texas 77053
(w/o enclosures)