



February 10, 1999

Ms. Tenley Aldredge  
Assistant County Attorney  
County of Travis  
314 West 11<sup>th</sup> Street, Suite 300  
Austin, Texas 78767

OR99-0414

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121940.

Travis County (the "county") received a request for information related to criminal charges brought against Tracy D. Chuck. You indicate that you have released a portion of the responsive information. You have supplied the balance of the responsive information which you seek to withhold, contending that it is excepted from public disclosure by sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.108(a)(3) 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:

....

(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[.]

You contend that the records responsive to the instant request may be withheld in their entirety under the ruling in *Curry v. Walker*, 873 S.W.2d 379 (Tex. 1994). There, the Texas Supreme Court ruled that, where a district attorney's entire litigation file was sought by subpoena, the work product privilege extended to the entire file because that material

reflected the attorney's mental impressions. Here, the requestor seeks "any and all documents held by your office relating to the charges filed against Tracy D. Cluck." Because the requestor in this instance seeks all the information in a particular file, we agree that, except for information expressly made public, you may withhold all of the requested information pursuant to section 552.108(a)(3)(B) in conjunction with the ruling in *Curry*.

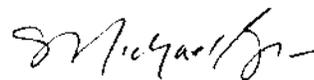
Information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. See Open Records Decision No. 127 (1976) (summarizing the types of information deemed public by *Houston Chronicle*); see also Open Records Decision No. 597 (1991) (basic information in an offense report generally may not be withheld under section 552.103). Further, documents filed with the court are usually public documents and must be released. See *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57-58 (Tex. 1992).

We therefore conclude that, except for front page offense report information and documents filed with the court, section 552.108 of the Government Code excepts the requested records from required public disclosure. However, 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.

Since we have disposed of this request under section 552.108(a)(3)(B), we need not address at this time the other exceptions to disclosure you have raised.

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,



Michael Jay Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref:: ID# 121940

Enclosures: Submitted documents

cc: Mr. J. Lee Jarrard, Jr.  
Dietz & Associates  
106 Fannin Avenue East  
Round Rock, Texas 78664  
(w/o enclosures)