



February 10, 1999

Mr. Jason Marshall
Attorney at Law
Nichols, Jackson, Dillard, Hager & Smith
500 N. Akard, Suite 1800 Lincoln Plaza
Dallas, Texas 75201

OR99-0419

Dear Mr. Marshall:

On behalf of the city of Coppell (the "city"), you ask this office to reconsider our decision in Open Records Letter No.98-2500 (1998) in regard to the required public release of request items 1 and 2. Your request for reconsideration was assigned ID# 121794.

In Open Records Letter No. 98-2500, this office determined that the city must release to the requestor information responsive to request items 2 and 3 in accordance with two earlier rulings of this office, Open Records Letter Nos. 95-1353 (1995) and 96-0027 (1996). These rulings pertain to a request for information the city received on May 5, 1998. You now inform us that neither item existed at the time of the request, May 5, 1998. You had previously urged that the items are excepted from disclosure based on section 552.108(a)(1). As you now inform us that neither item existed at the time of the May 5th request, we agree that the earlier rulings are not dispositive of their required public release. We must therefore consider the exception you raise.

Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). You inform us that the items pertain to a pending case. We therefore believe that the release of the information "would interfere with the detection, investigation, or prosecution of crime." *Id.* Accordingly, the city may withhold the items based on section 552.108 of the Government Code.

We are resolving this matter with this 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 may not be relied upon as a previous

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determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings
Deputy Chief
Open Records Division

KHH/ch

Ref.: ID# 121794

Enclosures: Submitted documents

cc: Mr. R. G. Harrell
548 W. Oak Grove
Coppell, Texas 75019
(w/o enclosures)