



July 15, 1999

Mr. John Schomburger
Assistant City Attorney
Criminal District Attorney's Office
Collin County Courthouse
210 South. McDonald, Suite 324
McKinney, Texas 75069

OR99-1960

Dear Mr. Schomburger:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125956.

The Collin County Criminal District Attorney's Office (the "district attorney") received a request for information concerning cause number 380-786-98 and Carrie Chavez and Dr. Mitchell Weir. You also received a request for information concerning a criminal trespass charge. You state that you do not possess some of the requested information. You contend that the remaining requested information is excepted from public disclosure pursuant to sections 552.101, 552.102, 552.103, 552.108, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted documents.

Initially, we note that the submitted documents include several court documents. Records filed with a court are generally public records and may not be withheld from disclosure. *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992).

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). Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why section 552.108 is applicable. *See* Gov't Code §§ 552.108, .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

You explain that cause number 380-786-98 is a civil case, but that you have some criminal cases that "coincide with or have some relationship with the events of the civil case." You

further explain that of the four criminal cases you have, three are pending criminal prosecution, and the fourth is still within the statute of limitations and could still be filed. Additionally, you state that information in the fourth file will be used in the prosecution of the other three cases. Because the criminal cases are ongoing, we believe that the release of the information “would interfere with the detection, investigation, or prosecution of crime.” *Id.* Thus, you may withhold most of the information under section 552.108(a)(1).¹

However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov’t Code § 552.108(c). We believe such basic information refers to the information held to be public in *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). Thus, you must release the basic front page offense and arrest information.² We note that you have the discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov’t Code § 552.007.

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.

Sincerely,

***Open Records Division
Office of the Attorney General***

Ref.: ID# 125956

Encl.: Submitted documents

cc: Mr. Les J. Ruston
P.O. Box 703853
Dallas, Texas 75370
(w/o enclosures)

¹Because section 552.108(a)(1) is dispositive of the requested information, we need not address your other claimed exceptions.

²Generally, basic information may not be withheld from public disclosure under section 552.103. Open Records Decision No. 362 (1983).