



September 22, 1999

Mr. Miles K. Risley
Senior Assistant City Attorney
Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR99-2649

Dear Mr. Risley:

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# 128139.

The City of Victoria (the "city") received a request for all records relating to a particular sexual assault case. You indicate that you have already released some of the requested information including the front page offense report information. You claim that the remaining information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the documents at issue.

Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." You inform us that the documents at issue relate to the defendant's pending direct appeal of his conviction for aggravated sexual assault. Based upon this representation, we conclude that the release of the documents would interfere with the prosecution of crime. The city may, therefore, withhold the documents from disclosure under section 552.108(a)(1).

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.

Sincerely,


Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 128139

Encl. Submitted documents

cc: Ms. Tracy Post
Cole, Cole & Easley
P.O. Drawer 510
Victoria, Texas 77902
(w/o enclosures)