



October 29, 1999

Mr. Michael L. Scanlon
Bickerstaff, Heath, Smiley, Pollan, Keever & McDaniel, L.L.P.
3000 Bank One Center
1717 Main Street
Dallas, Texas 75201-4335

OR99-3042

Dear Mr. Scanlon:

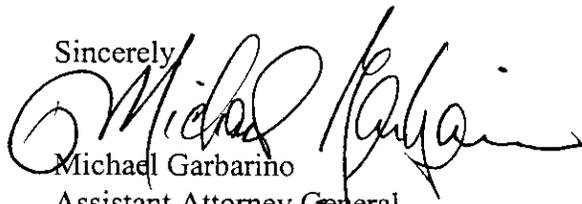
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130472.

The Town of Flower Mound (the "town") received a request for a copy of a police department incident report assigned case number 99029070. You assert that some of the requested information is excepted from disclosure under section 552.108 of the Government Code. We assume that you have released the remainder of the requested information. We have considered the exception you claim and reviewed the submitted information.

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 assert that the incident report "did not result in further investigation," by which we assume the investigation related to this incident report did not result in a conviction or deferred adjudication. After reviewing the records at issue, we conclude that you have met your burden of establishing the applicability of section 552.108(a)(2) with regard to the marked information, and that the marked information contained in the report 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.

Sincerely,



Michael Garbarino
Assistant Attorney General
Open Records Division

MG/jc

Ref: ID# 130472

Encl. Submitted documents

cc: Mr. Bobby Paret
P. O. Box 442
Burleson, Texas 76097-0442
(w/o enclosures)