



November 9, 1999

Ms. Erica Britt  
Assistant District Attorney  
County of Dallas  
Frank Crowley Courts Building  
LB 19  
Dallas, Texas 75207-4399

OR99-3166

Dear Ms. Britt:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130404.

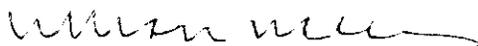
The Dallas County District Attorney's Office received a request for information pertaining to specified pending cases. You advise that the requestor "made an identical request back in December 1997," and that this office issued Open Records Letter No. 98-0704 (1998) in connection therewith. Open Records Letter No. 98-0704 ruled that the information at issue there could be withheld under section 552.103 of the Government Code, the "litigation exception." You further advise that the litigation on which the ruling in Open Records Letter No. 98-0704 was based is still pending and that the information responsive to the request has not changed. Based on your representations, we conclude that you may withhold information responsive to the instant request in accordance with Open Records Letter No. 98-0704.<sup>1</sup>

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<sup>1</sup>The requestor asserts that the D.A. waived any exceptions to withhold the requested information because the D.A. "disclosed them to Mr. Morrow's trial counsel before or during trial." However, we note that the D.A.'s office indicates that he does not wish to withhold information that has previously been disclosed to trial counsel. An Assistant District Attorney states, "I certify that, to my knowledge, our office has never waived confidentiality to anything in the State's files in these cause numbers not previously disclosed to Mr. Schaffer, during discovery or trial of these cases."

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



William Walker  
Assistant Attorney General  
Open Records Division

WMW/ljp

Ref: ID# 130404

Encl. Submitted documents

cc: Mr. Randy Schaffer  
Schaffer & Henley  
Lawyers  
1301 McKinney, Suite 3100  
Houston, Texas 77010  
(w/o enclosures)