



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 30, 2007

Ms. M. Ann Montgomery  
Assistant Ellis County and District Attorney  
1201 North Highway 77, Suite 104  
Waxahachie, Texas 75165-7832

OR2007-04898

Dear Ms. Montgomery:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 277331.

The Ellis County and District Attorney's Office (the "district attorney") received a request for information relating to a specified arrest. You indicate that some of the requested information has been released. You claim that other responsive information is excepted from disclosure under sections 552.103, 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and have reviewed the information you submitted.

Section 552.108 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[s]." Gov't Code § 552.108(a)(1). A governmental body that claims an exception to disclosure under section 552.108 must reasonably explain how and why this exception is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You have marked the information that the district attorney seeks to withhold under section 552.108. You state that the marked information is related to an ongoing investigation and pending prosecution. Based on your representations, we conclude that the district attorney may withhold the marked information under section 552.108(a)(1).<sup>1</sup> *See Houston Chronicle Publ'g Co. v. City*

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<sup>1</sup>As we are able to make this determination, we need not address your claim under section 552.103 of the Government Code.