



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 12, 2007

Mr. David M. Swope  
Assistant Harris County Attorney  
1019 Congress, 15th Floor  
Houston, Texas 77002

OR2007-13344

Re: Request for a copy of the affidavit of search warrant, the search warrant and the return from the search warrant for case of the State of Texas v. Lance O'Bieness

Dear Mr. Swope:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 296752.

After reviewing your arguments and the submitted information, we have determined that your request does not present a novel or complex issue. Thus, we are addressing your claims in a memorandum opinion. You claim that the submitted information may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. We have considered your arguments and the submitted information and have determined that in accordance with section 552.108(a)(1) you may withhold the submitted information. However, we note that the submitted information includes court documents. Information filed with a court is generally a matter of public record and may not be withheld from disclosure. Gov't Code § 552.022(a)(17); *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992). Thus, if the information has been filed with a court, you must release the information.

For more information on the cited exception, as well as information on the rights and obligations of governmental bodies and requestors, please refer to open government information contained on the Office of the Attorney General website at [www.oag.state.tx.us](http://www.oag.state.tx.us). You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc: Submitted documents