



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 26, 2008

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

OR2008-03922

Re: Request for all documents from the Dallas County Sheriff's Department to the
Waxahachie PD concerning Ladaryl Dwayne Kelly

Dear Ms. Montgomery:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 310730.

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 marked 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 some of the marked information. However, you must release the basic information, including the property involved, pursuant to section 552.108(c) of the Government Code. You must withhold the marked Texas driver's license numbers under section 552.130 of the Government Code. In addition you may withhold the social security numbers under section 552.147 of the Government Code. Lastly, 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. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc: Submitted documents

cc: Mr. Kevin Krause
The Dallas Morning News
P. O. Box 655237
Dallas, Texas 75265
(w/o enclosures)