



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 4, 2008

Ms. Patricia Adams
Town Attorney
Town of Trophy Club
100 Municipal Drive
Trophy Club, Texas 76262

OR2008-07575

Re: Request for documents related to the arrest of Nicholas Joseph Incaviglia and the pending criminal charge against Incaviglia for misdemeanor Burglary of a building

Dear Ms. Adams:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 317720.

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, you must release the basic information pursuant to section 552.108(c) of the Government Code. 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. Timothy Powers
1500 East McKinney Street, Suite 200
Denton, Texas 76209-4526
(w/o enclosures)