



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 24, 2010

Ms. Jordan Hale
Assistant Attorney General
Assistant Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2010-04142

Dear Ms. Hale:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 378995 (PIR No. 10-27285).

The Office of the Attorney General (the "OAG") received a request for a "transcript of the Grand Jury Hearing dated the morning of November 18, 2009, held at the Wichita County Court House located at 900 7th St[.] in Wichita Falls, TX at approx[.] 09:30 hrs." The OAG explains it does not have a transcript but does maintain a recording of the hearing. The OAG asserts the information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the OAG's claimed exceptions to disclosure and have reviewed the submitted information.

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. The OAG explains the information pertains to a case investigated by its Criminal Prosecution Division that concluded and did not result in conviction or deferred adjudication because the grand jury returned a no bill. Based on

the OAG's representation, we conclude the OAG may withhold the information pursuant section 552.108(a)(2).¹

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 378995

Enc: Submitted document

c: Requestor
(w/o enclosures)

¹Because section 552.108 is dispositive, we do not address the OAG's other argument.