



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 27, 2010

Mr. David K. Walker  
County Attorney  
Montgomery County  
207 West Philips, Suite 100  
Conroe, Texas 77301

OR2010-05993

Dear Mr. Walker:

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# 377159.

The Montgomery County Sheriff's Office (the "sheriff") received a request for police report number 08A016447. You state most of the requested information has been or will be released to the requestor. You claim the submitted documents are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

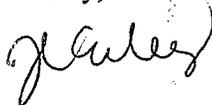
The submitted documents consist of grand jury subpoenas and information produced in response to the grand jury subpoenas. The judiciary is expressly excluded from the requirements of the Act. *See* Gov't Code § 552.003(1)(B). This office has determined that a grand jury, for purposes of the Act, is a part of the judiciary and is therefore not subject to the Act. *See* Open Records Decision No. 411 (1984). Further, records kept by another person or entity acting as an agent for a grand jury are considered to be records in the constructive possession of the grand jury and therefore are not subject to the Act. *See* Open Records Decisions Nos. 513 (1988), 398 (1983). *But see* ORD 513 at 4 (defining limits of judiciary exclusion). The submitted subpoenas and records are maintained by the sheriff as

an agent of the grand jury. Accordingly, we conclude this information is not subject to the Act.<sup>1</sup>

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](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,



Jessica Eales  
Assistant Attorney General  
Open Records Division

JCE/eeg

Ref: ID# 377159

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

---

<sup>1</sup>Because we are able to make this determination, we need not address your argument against the disclosure of the submitted documents.