



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 21, 2010

Mr. James Walters
Sheriff
San Jacinto County Sheriff's Office
75 West Cedar Avenue
Coldspring, Texas 77331

OR2010-10828

Dear Mr. Walters:

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# 392724.

The San Jacinto County Sheriff's Office (the "sheriff") received a request for information pertaining to a specified incident. You state the submitted information is subject to a previous determination by this office. You also claim the requested information is excepted from disclosure under section 552.103 of the Government Code. We have considered the your arguments. We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

The sheriff states the requested information was the subject of previous requests for information, in response to which this office issued Open Records Letter No. 2010-02490 (2010). In that decision, we ruled, in part, the sheriff may withhold a portion of the requested information under section 552.103 of the Government Code. In correspondence to our office, the requestor asserts section 552.103 is no longer applicable to this information. The requestor claims litigation is no longer reasonably anticipated because the attorneys who previously represented the plaintiffs in the anticipated litigation have discontinued their representation. We note, however, the fact that these attorneys no longer represent the plaintiffs does not affect the sheriff's reasonable anticipation of litigation related to the incident specified in the request. Accordingly, because the sheriff indicates that the law,

facts, and circumstances on which this ruling was based have not changed, the sheriff may continue to rely on Open Records Letter No. 2010-02490 as a previous determination and withhold or release the requested information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we do not address the sheriff's arguments.

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,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/tp

Ref: ID# 392724

Enc. Submitted documents

c: Requestor
(w/o enclosures)