



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 4, 2010

Mr. Randall Miller  
Assistant Criminal District Attorney  
Navarro County Criminal District Attorney's Office  
300 West 3<sup>rd</sup> Avenue, Suite 203  
Corsicana, Texas 75110

OR2010-16754

Dear Mr. Miller:

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# 399226.

The Navarro County Sheriff's Department (the "sheriff") received a request for all written or recorded documents, including incident reports, daily reports, deputies reports, crime scene reports, dispatch logs, and audio pertaining to a named individual. You state you have provided the requestor with some information related to the request. You claim that the submitted information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted information.

Initially, you inform us that the submitted information was the subject of a previous request, as a result of which this office issued Open Records Letter No. 2008-16117 (2008). In that ruling, we determined that the sheriff may withhold the submitted information under section 552.108(a)(1) of the Government Code, with the exception of basic information that must be released. As we have no indication that there has been any change in the law, facts,

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<sup>1</sup>We note that you also raise, but have submitted no arguments under, other exceptions to disclosure and Texas Rule of Evidence 503. Accordingly, this decision does not address any of those exceptions or rule 503. See Gov't Code § 552.301(e)(1)(A) (governmental body must submit written comments stating reasons why its claimed exceptions apply).

or circumstances on which the previous ruling was based, we conclude the sheriff may rely on Open Records Letter No. 2008-16117 as a previous determination and continue to treat the previously ruled upon information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and 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 need not address your arguments against disclosure.

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,



Andrea L. Caldwell  
Assistant Attorney General  
Open Records Division

ALC/eeg

Ref: ID# 399226

Enc. Submitted documents

c: Requestor  
(w/o enclosures)