



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 5, 2010

Ms. Paula M. Rosales  
Assistant District Attorney  
Frank Crowley Courts Building  
133 North Riverfront Boulevard, LB-19  
Dallas, Texas 75207-4399

OR2010-16821

Dear Ms. Rosales:

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# 399283.

The Dallas County District Attorney's Office (the "district attorney") received a request for (1) any written policies or guidelines regarding the assessment and/or waiver of fees that may be collected under article 102.0121 of the Code of Criminal Procedure; (2) any written policies or guidelines outlining eligibility criteria for deferred prosecution, pretrial intervention, and pretrial diversion programs; and (3) any standard agreements and attachments for the above described programs. You claim that the submitted information is exempted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is exempted from [required public disclosure] if:

...

(4) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

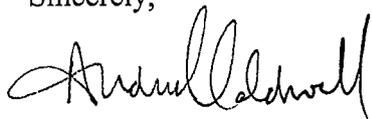
(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

Gov't Code § 552.108(a)(4). Section 552.108(a)(4) is applicable to information that was prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation or that reflects the mental impressions or legal reasoning of an attorney representing the state. A governmental body that claims an exception to disclosure under section 552.108 must reasonably explain how and why this exception is applicable to the information that the governmental body seeks to withhold. *See id.* § 552.301(e)(1)(A); Open Records Decision No. 434 at 2-3 (1986). You contend the submitted information is prosecutorial work product prepared in anticipation of or in preparation for criminal litigation. Thus, you assert the submitted information reflects the mental impressions and legal reasoning of the district attorney. Based upon your representations, we find section 552.108(a)(4) is applicable to the submitted information. Accordingly, the district attorney may withhold the submitted information under section 552.108(a)(4) of the Government Code.<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,



Andrea L. Caldwell  
Assistant Attorney General  
Open Records Division

ALC/eeg

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure.

Ref: ID# 399283

Enc. Submitted documents

c: Requestor  
(w/o enclosures)