



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 17, 2011

Mr. Reg Hargrove
Assistant Attorney General
Public Information Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2011-03702

Dear Mr. Hargrove:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 413442 (PIR No. 11-29850).

The Office of the Attorney General (the "OAG") received a request for records relating to a former Nueces County prosecutor. The OAG released a court-filed document and asserts the remainder is excepted from disclosure under section 552.108 of the Government Code. We have considered the OAG's claimed exception 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 concluded case that did not result in conviction or deferred adjudication because "there was no probable cause to believe that any criminal actions actually occurred." Based on the OAG's representation, we conclude the OAG may withhold the information pursuant section 552.108(a)(2). Because this exception is dispositive, we do not address the OAG's section 552.108(a)(4) assertion.

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# 413442

Enc: Submitted documents

c: Requestor
(w/o enclosures)