



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 1, 2011

Mr. B. Chase Griffith
Brown & Hofmeister
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2011-04490

Dear Mr. Griffith:

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# 413390 (PIR# 1114).

The Town of Flower Mound (the "town"), which you represent, received a request for the dash cam recording from a specified traffic stop, when a specified radar unit was last calibrated, and the number of traffic stops made by a named town police officer during a specified time period and in a specified location. You state the town has released some of the requested information. You claim the submitted information is excepted 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(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* 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. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the submitted information pertains to a closed case in which the driver completed a driver's safety court and the charges were dismissed. Thus, you state the submitted information relates to a closed case that did not result in conviction or deferred adjudication. Based on these representations and our review, we agree

section 552.108(a)(2) is applicable to the submitted information. Thus, the town may withhold the submitted information under section 552.108(a)(2) of the Government Code.

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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/tf

Ref: ID# 413390

Enc. Submitted documents

c: Requestor
(w/o enclosures)