



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 18, 2011

Mr. Richard L. Bilbie
Assistant City Attorney
City of Harlingen
PO Box 2207
Harlingen, Texas 78551

OR2011-12012

Dear Mr. Bilbie:

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# 427422.

The Harlingen Police Department (the "department") received a request for the autopsy report, toxicology report, and photographs related to case number 09-23550. You state the department has released the requested autopsy report to the requestor. You claim the submitted toxicology report and autopsy photographs are excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. *See* Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.302(e)(1)(A). In this instance, you represent that the submitted information pertains to a criminal investigation that has ended in a result other than conviction or deferred adjudication. Based on your representation and our review, we conclude that section 552.108(a)(2) is applicable to the submitted report. Therefore, the department may withhold the submitted toxicology report and autopsy photographs under

section 552.108(a)(2) of the Government Code. As our ruling is dispositive, we need not address your remaining raised exception to 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, 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,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/agn

Ref: ID# 427422

Enc. Submitted documents

c: Requestor
(w/o enclosures)