



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 29, 2011

Mr. Gordon K. LeMaire
Assistant District Attorney
Cherokee County
P.O. Box 450
Rusk, Texas 75785

OR2011-17568

Dear Mr. LeMaire:

This is in reference to your request for a decision regarding information sought by Mr. Brian Nichols. Your request for a decision was assigned ID# 442656.

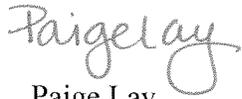
The Cherokee County District Attorney's Office (the "district attorney") received a request for specified information pertaining to a named individual's arrest. You state the district attorney has no document which is responsive to the requested information.

Generally, the Act authorizes the Office of the Attorney General to render decisions and opinions in two situations. The first occurs when a governmental body receives a written request for information from an individual or entity acting as a member of the public and requests a ruling from this office because the governmental body wishes to withhold responsive information in accordance with one of the Act's exceptions to disclosure. *See* Gov't Code §§ 552.301, .306. The second situation occurs when this office issues "materials, including detailed and comprehensive written decisions and opinions, that relate to or are based on [the Act]" in order to "maintain uniformity in the application, operation, and interpretation of [the Act.]" Gov't Code § 552.011.

You inform us that the district attorney has no document which is responsive to the requested information. Thus, we conclude that this situation falls outside of the Act and beyond the scope of this office's authority to render a decision regarding your request. The district attorney is thus not required to release any information in response to this request. We

therefore consider this matter closed. If you have any questions with regard to this letter, please refer to ID# 442656.

Sincerely,

A handwritten signature in cursive script that reads "Paigelay".

Paige Lay
Assistant Attorney General
Open Records Division

PL/ag

Ref: ID# 442656

c: Requestor