



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 25, 2012

Ms. Donna L. Johnson  
Olson & Olson LLP  
2727 Allen Parkway, Suite 600  
Houston, Texas 77019-2133

OR2012-01245

Dear Ms. Johnson:

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# 445242 (Ref. CLV-HOR).

The City of Cleveland (the "city"), which you represent, received a request for information pertaining to a specified incident involving a named individual. We understand the city will redact social security numbers under section 552.147 of the Government Code.<sup>1</sup> You claim that the submitted information is excepted from disclosure under sections 552.101, 552.103, 552.107, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You claim the submitted information is excepted from disclosure under section 552.107(2) of the Government Code because a judge has issued a "gag" order regarding information relating to a criminal case of the named individual. Section 552.107(2) of the Government Code provides that information is excepted from disclosure if "a court by order has prohibited disclosure of the information." Gov't Code § 552.107(2). You have submitted a copy of a court order signed by Judge Mark Morefield, Judge for the District Court of the 75th Judicial District, Liberty County, Texas, in the case styled *State v. Jamarcus Norris Napper*, Cause No. CR 28584. The court order provides, in pertinent part, from

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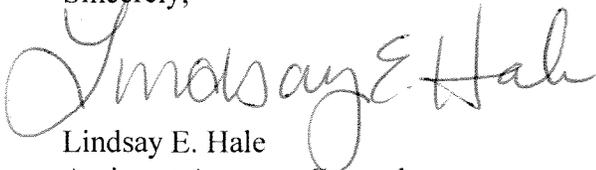
<sup>1</sup>Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. Gov't Code § 552.147(b).

March 15, 2011 and during the trial of the case “[a]ll attorneys, their staffs, agents and employees, the Defendant, and all law enforcement officers involved in this case shall not discuss this case with the media nor disseminate documents, data, photographs, information or other materials to the media that in any way pertain to the issues in this case.” In this instance, the requestor is a member of the news media. Upon review, we agree the submitted information constitutes documents, data, photographs, information, or other materials pertaining to the issues in the case that is the subject of the order. You state the case is pending. Accordingly, we conclude the city must withhold the submitted information in its entirety under section 552.107(2) of the Government Code. As our ruling is dispositive, we need not address your remaining arguments.

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,



Lindsay E. Hale  
Assistant Attorney General  
Open Records Division

LEH/ag

Ref: ID# 445242

Enc. Submitted documents

c: Requestor  
(w/o enclosures)