



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 8, 2012

Mr. Leonard V. Schneider
For City of Huntsville
Liles Parker, P.L.L.C.
521 North Sam Houston Parkway East, Suite 120
Houston, Texas 77060

OR2012-06724

Re: Request for any records regarding the Samsung cell phone owned by named individual obtained by the Huntsville Police Department during the homicide investigation into the death of another named individual on or about 09/24/2010, including paperwork regarding the seizure of said telephone and subsequent release of said telephone

Dear Mr. Schneider:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 457977.

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue. Thus, we are addressing your claims in a memorandum opinion. You claim the submitted information may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. We have considered your arguments and the submitted information and have determined that in accordance with section 552.108(a)(1) you may withhold the submitted information. We also note the submitted information includes a document that may have been filed with a court. Information filed with a court is generally a matter of public record and may not be withheld from disclosure. Gov't Code § 552.022(a)(17); *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992). Thus, if the information has been filed with a court, you must release the information.

For more information on the cited exception, as well as information on the rights and obligations of governmental bodies and requestors, please refer to open government information contained on the Office of the Attorney General website at www.oag.state.tx.us. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc: Submitted documents

c: Requestor
(w/o enclosures)