



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 30, 2013

Mr. Kent A. Brown  
Assistant County Attorney  
County of Nueces  
901 Leopard Street, Room 207  
Corpus Christi, Texas 78401-3680

OR2013-16988

Dear Mr. Brown:

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# 504150 (ME Case No. 13-1047).

The Nueces County Medical Examiner's Office (the "medical examiner's office") received a request for complete records, autopsy reports, toxicology reports, photos, test results, narrative notes, and investigative notes pertaining to a named individual. You state some of the requested information will be released to the requestor upon payment of costs. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note the information at issue was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2013-11231 (2013). In that ruling, we determined the emergency medical services records are not responsive to the request for information and the submitted autopsy photographs must be withheld under section 552.101 of the Government Code in conjunction with section 11 of article 49.25 of the Code of Criminal Procedure. We understand the law, facts, and circumstances on which the previous ruling was based have not changed. Therefore, we conclude the medical examiner's office must rely on Open Records Letter No. 2013-11231 as a previous determination and withhold the identical information in accordance with that ruling. *See* Open Records Decision No. 673 at 6-7 (2001) (so long as law, facts, and circumstances on

which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Thana Hussaini  
Assistant Attorney General  
Open Records Division

TH/som

Ref: ID# 504150

Enc. Submitted documents

c: Requestor  
(w/o enclosures)