



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 3, 2013

Mr. William Schultz
Assistant District Attorney
Denton County
P.O. Box 2850
Denton, Texas 76202

OR2013-20913

Dear Mr. Schultz:

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# 507294.

The Denton County Criminal District Attorney's Office (the "district attorney's office") received a request for information pertaining to the investigation of the death of a named individual. You claim the requested information is either not subject to the Act or excepted from disclosure under sections 552.101, 552.108, 552.130, and 552.147 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

You state the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2012-05830 (2012). In Open Records Letter No. 2012-05830, we determined, to the extent any portion of the information at issue was in the custody of the district attorney's office as an agent for the grand jury, those records were in the grand jury's constructive possession and were not subject to the Act. To the extent the information at issue was not in the custody of the district attorney's office as an agent for the grand jury but rather was held by the district attorney's office in its

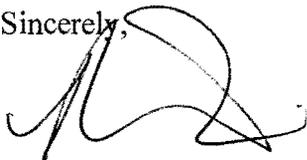
¹Although you also raise sections 552.103, 552.107, and 552.111 of the Government Code, you make no arguments to support these exceptions. Therefore, we assume you have withdrawn your claim these sections apply to the submitted information. See Gov't Code §§ 552.301, .302.

own capacity in the course of official business, we determined the district attorney's office must release the basic information, but may withhold the remaining information under section 552.108(a)(2) of the Government Code. You state there has not been any change in the law, facts, or circumstances on which the prior ruling was based. Accordingly, we conclude the district attorney's office may rely on Open Records Letter No. 2012-05830 as a previous determination and withhold or release the requested information in accordance with that ruling. *See* Open Records Decision No. 673 (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).

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, 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,



Nneka Kanu
Assistant Attorney General
Open Records Division

NK/akg

Ref: ID# 507294

Enc. Submitted documents

c: Requestor
(w/o enclosures)