



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 15, 2014

Mr. John Ohnemiller
First Assistant City Attorney
City of Midland
P.O. Box 1152
Midland, Texas 79702-1152

OR2014-00889

Re: Request for any information related to the officer-involved shooting that occurred on 11/08/13 resulting in the shooting of a named individual, to include any and all internal affairs documents and/or video/audio recordings, personnel photo of each officer involved, disciplinary action/history, employment applications, information/time log regarding the officers' sessions at any gun ranges for practice, etc.; request ID 13430 and 13436

Dear Mr. Ohnemiller:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 516519.

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 state you have released basic information to the first requestor and claim the submitted information may be withheld from both requestors 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 note the submitted information includes search warrants 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 SW.2d 54 (Tex. 1992). Thus, if this information has been filed with a court, you must release the information.

For more information on the cited exception, please refer to the open government information on our website at <https://www.oag.state.tx.us/open/memorulings.shtml>. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc: Submitted documents

c: 2 Requestors
(w/o enclosures)