

201 EAST 4th STREET
MONAHANS, TEXAS 79756
(915) 943-6705
FAX NO: (915) 943-2521



DAVID P. ZAVODA
DISTRICT ATTORNEY
143rd JUDICIAL DISTRICT
REEVES • WARD • LOVING COUNTIES

D.A. Investigator
CLAY MCKINNEY

ID# 13701
CBL-GOX

RQ-218

September 23, 1991

RECEIVED

SEP 25 91

Opinion Committee

Office of The Attorney General
First State Bank Building
P.O. Box 12548
Austin, Texas 78711
ATTN: Chairman, Opinion Committee

RE: Request for an Attorney General's Opinion Pursuant to
Article 6252-17a (7).

Dear Sir:

I was presented with a request per Article 6252-17a from the Texas Observer on September 18, 1991, a copy which is attached hereto. In searching my records, I found a Texas Department of Public Safety Sensitive report which I determined falls within the Texas Observer's request. The D.P.S. report is attached with clarifying documentation.

Due to the fact that the D.P.S. report makes it clear that D.P.S. Sensitive reports remain the property of the D.P.S. and may not be disseminated outside the agency to which it is loaned, I requested permission from the D.P.S. for disclosure. This permission was denied by the Department of Public Safety. The Department's Assistant General Counsel's letter is attached.

The report in question was sent to the 143rd Judicial District Attorney's Office as part of an ongoing joint investigation by this office and the D.P.S. in January, 1990. The District Attorney's Office considers the matter closed but, as reflected in its Counsel's letter, the D.P.S. is continuing its investigation.

I am therefore asking for an Attorney General's opinion on the following questions:

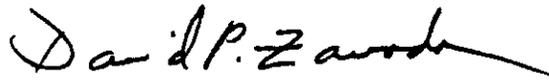
- (1) Whether the 143rd Judicial District Attorney has access to or ownership of the Texas Department of Public Safety Sensitive reports, even though ownership is expressly denied in the report, based on Article 6252-17a (3)?

**ACCOMPANIED BY ENCLOSURES —
FILED SEPARATELY**

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(2) Whether all Texas Department of Public Safety Sensitive reports, or specifically the report attached hereto, are excepted pursuant to Article 6252-17a (3), if the Texas Department of Public Safety asserts that the report is part of a pending criminal investigation?

Sincerely yours,



David P. Zavoda

DPZ/k1
Enclosure

cc: Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001
ATTN: Mary Ann Courter, Legal Department