



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 7, 2017

Mr. William Schultz  
Assistant District Attorney  
Civil Division  
Denton County Criminal District Attorney's Office  
1450 East McKinney Street, Suite 3100  
Denton, Texas 76209

OR2017-17713

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# 669505 (PIR# 17-077).

The Denton County Criminal District Attorney's Office (the "district attorney's office") received a request for the prosecution file pertaining to a specified case. You state you will release some information. You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.1325 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>1</sup>

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:

...

---

<sup>1</sup>We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

(4) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

Gov't Code § 552.108(a)(4). A governmental body must explain how and why section 552.108 is applicable to the information at issue. *See id.* §§ 552.108, .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information was created by an attorney from the district attorney's office and reflects the mental impressions or legal reasoning of an attorney representing the state in the course of preparing for criminal litigation. Upon review, we find the district attorney's office has demonstrated the applicability of section 552.108(a)(4) of the Government Code to the submitted information. Accordingly, we find the district attorney's office may withhold the submitted information under section 552.108(a)(4) of the Government Code.<sup>2</sup>

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,



Nicholas Ybarra  
Assistant Attorney General  
Open Records Division

NY/sb

---

<sup>2</sup>As our ruling is dispositive, we do not address your remaining arguments against disclosure of the submitted information.

Ref: ID# 669505

Enc. Submitted documents

c: Requestor  
(w/o enclosures)