



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 3, 2017

Mr. Juan R. Molina
Counsel for City of Mercedes
Law Office of Juan R. Molina
P.O. Box 190
Weslaco, Texas 78596

OR2017-25201

Dear Mr. Molina:

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# 684676.

The Mercedes Municipal Court (the "court"), which you represent, received a request for the arrest warrant and affidavit related to a specified arrest of a named individual. You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.148 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

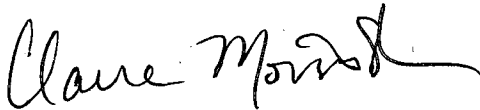
The Act is applicable to information "written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body." *Id.* § 552.002(a)(1). However, the Act's definition of "governmental body" does not include the judiciary. *Id.* § 552.003(1)(B). Information "written, produced, collected, assembled, or maintained by or for the judiciary" is not subject to the Act but, instead, is "governed by rules adopted by the Supreme Court of Texas or by other applicable laws and rules." *Id.* § 552.0035(a); *cf.* Open Records Decision No. 131 (1976) (applying statutory predecessor to judiciary exclusion under Government Code section 552.003(1)(B) prior to enactment of Government Code section 552.0035). Therefore, the Act neither authorizes information held by the judiciary to be withheld, nor does it require such

information be disclosed. *See* Open Records Decision No. 25 (1974). The instant request was addressed to the court and specifically seeks records maintained by the court. Accordingly, we conclude the requested information is not subject to the Act and the city is not required to release it in response to this request for information. As we are able to make this determination, we need not address the city's remaining arguments against disclosure of the requested 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, 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,



Claire Sloan
Assistant Attorney General
Open Records Division

CS/eb

Ref: ID# 684676

Enc. Submitted documents

c: Requestor
(w/o enclosures)