



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 7, 2017

Ms. Kristie Lewis  
Staff Attorney  
Houston Police Department  
1200 Travis, 21st Floor  
Houston, Texas 77002-6000

OR2017-27793

Re: Request for information regarding incident no. 102272117 including all accident photos and witness statements taken by investigating officers for an auto accident/crash fatality; named individual; 08/13/17; named address; [No. 17-10521]

Dear Ms. Lewis:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 694511.

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. We have also received the requestor's comments. *See* Gov't Code § 552.304 (interested party may submit written comment regarding availability of requested information). You claim the requested information relates to a pending investigation, and thus, may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. However, the requestor disputes your assertion that the investigation is pending. Whether the investigation is pending is a question of fact this office cannot resolve in the open records ruling process. Thus, we must rely upon the facts alleged to us by the governmental body requesting our opinion. *See* Open Records Decision Nos. 554 (1990), 552 (1990). Accordingly, upon review of your arguments and the submitted information, we conclude you may withhold the requested information under section 552.108(a)(1).

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

Enc: Submitted documents

c: Requestor  
(w/o enclosures)