



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 1, 2020

Mr. Robert Schell
Assistant Ellis County & District Attorney
Ellis County & District Attorney's Office
109 South Jackson Street
Waxahachie, Texas 75165

OR2020-12367

Re: Request for incident report number 20-02018

Dear Mr. Schell:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 840424.

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 claim the information marked under section 552.108(a)(1) of the Government Code may be withheld from public disclosure pursuant to section 552.108(a)(1) of the Government Code on behalf of another law enforcement agency with a law enforcement interest.¹ Further, you inform this office the other law enforcement agency objects to the disclosure of the information because it relates to an ongoing criminal case and release would interfere with the case. Thus, we conclude you may withhold the information you have marked pursuant to section 552.108(a)(1) on behalf of the other law enforcement agency.

For more information on the cited exception, please refer to the open government information on our website at <https://www.texasattorneygeneral.gov/open->

¹We note the Ellis County Sheriff's Office did not comply with section 552.301 of the Government Code in requesting this decision. *See* Gov't Code § 552.301(e). Nonetheless, the need of a governmental body, other than the governmental body that failed to timely seek an open records decision, to withhold information under section 552.108 of the Government Code can provide a compelling reason sufficient to overcome the presumption of openness. *See* Open Records Decision No. 586 (1991).

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government/governmental-bodies/open-records-memorandum-rulings. You may also
contact our Open Government Hotline at 1-877-OPENTEX.

Enc. Submitted documents

c: Requestor
(w/o enclosures)