



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 20, 2020

Ms. Laura Anne Coats  
Assistant District Attorney  
Dallas County  
133 North Riverfront Boulevard, LB-19  
Dallas, Texas 75207-4399

OR2020-20957

Dear Ms. Coats:

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# 841175.

The Dallas County District Attorney's Office (the "district attorney's office") received two requests from different requestors for information pertaining to individuals whose involvement in a criminal proceeding must be disclosed as potentially exculpatory evidence. You claim the requested information is subject to a previous ruling. You also claim the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>1</sup>

Initially, you inform us some of the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2019-00189 (2019). We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Accordingly, the district attorney's office may continue to rely on Open Records Letter No. 2019-00189 as a previous determination and withhold the information at issue in accordance with that ruling.<sup>2</sup> *See* Open Records Decision No. 673 at 6-7 (2001) (so long as law, facts, and circumstances on which prior

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<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.

<sup>2</sup> As we are able to make this determination, we need not address your remaining arguments against disclosure of this information.

ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes information is or is not excepted from disclosure). We will address your arguments against disclosure of the information not subject to the previous ruling.

Section 552.108 of the Government Code states, in pertinent part, the following:

(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:

...

(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.

...

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if:

...

(3) the internal record or notation:

(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), (b)(3). A governmental body claiming an exception to disclosure under section 552.108 must explain how and why this exception is applicable to the information the governmental body seeks to withhold. *See id.* §§ 552.108, .301 (e)(1)(A); *see also* Open Records Decision No. 434 at 2-3 (1986). The district attorney's office states it prepared the information at issue and the information reflects the mental impressions and legal reasoning of attorneys representing the state. Based on these representations and our review, we agree sections 552.108(a)(4) and 552.108(b)(3) of the

Government Code apply to the remaining information. Thus, the district attorney's office may withhold the remaining information under sections 552.108(a)(4) and 552.108(b)(3) of the Government Code.<sup>3</sup>

In summary, the district attorney's office may continue to rely on Open Records Letter No. 2019-00189 as a previous determination and withhold the information at issue in accordance with that ruling. The district attorney's office may withhold the remaining information under sections 552.108(a)(4) and 552.108(b)(3) of the Government Code.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Katie Stallcup  
Assistant Attorney General  
Open Records Division

AKS/jxd

Ref: ID# 841175

Enc. Submitted documents

c: 2 Requestors  
(w/o enclosures)

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<sup>3</sup> As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.