



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 20, 2022

Mr. Reid McCain  
Criminal District Attorney  
Harrison County  
P.O. Box 776  
Marshall, Texas 75671-0776

OR2022-39536

Dear Mr. McCain:

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# 991818.

The Harrison County District Attorney's Office (the "district attorney's office") received a request for any communications or documents between attorneys pertaining to a specific case of a named individual. You state you have no information responsive to a portion of the request. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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.

Gov't Code § 552.108(a)(4). 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.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977). The district attorney's office asserts the submitted information consists of communications prepared by attorneys representing the state in anticipation of litigation and reflects the mental impressions and legal reasoning of attorneys representing the state. Based on these representations and our review, we agree subsection 552.108(a)(4) of the Government Code is applicable to the information at issue. Accordingly, the district attorney's office may withhold the submitted information under 552.108(a)(4).

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,

Amy Shipp  
Assistant Attorney General  
Open Records Division

ALS/jxd

Ref: ID# 991818

Enc. Submitted documents

c: Requestor  
(w/o enclosures)