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July 17, 2023

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7018 1830 0001 4327 0696**

Attorney General Ken Paxton
Open Records Division
P.O. Box 12548
Austin, Texas 78711

RE: Open Records Request for Information to the City of Nassau Bay, Texas, NB1637.

Dear General Paxton:

The following documents are enclosed for your review and consideration in the above-referenced matter:

- (1) The City of Nassau Bay's (hereinafter referred to as "City") response to said Request, objecting to all information and identifying the basis for which the City deems the data to be exempt.
- (2) City's documents responsive to the request (Exhibit B).
- (3) Copy of Mark Burke's open records request received by the City on July 7, 2023 (Exhibit A).

REQUEST

The City respectfully requests an open records determination as to whether the documents must be produced and/or furnished.

BACKGROUND INFORMATION AND EXEMPTIONS

The identity of the requestor and the documents requested shall be identified below. The below-described objections give rise to the City's belief that the documents in its possession are exempt from public disclosure.

OPEN RECORDS REQUEST

- 1) Mark Burke's request is dated July 7, 2023; the request was received by the City on July 7, 2023.

Mr. Burke requests that the City produce "the full report for Nassau Bay PD Case 23-00091 including: Type of records Public Information Report Arrest Record/Jail Booking Blotter Case File Incident/Offense Report Mug Shot/Booking Photo BWC (body-worn-camera)."

CITY'S OBJECTION

The City objects to the disclosure of the following information:

Pursuant to Section 552.108 of the Texas Government Code, the City believes that the documents attached hereto are exempt from public disclosure.

Section 552.108 states the following:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detention, investigation, or prosecution of crime is excepted from the requirement of Section 552.021 if:
 - (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

- (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 prosecuting is excepted from the requirements of Section 552.001 if:
 - (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication.

The fact is that the documents requested to be disclosed are confidential and exempt from disclosure pursuant to Section 552.108 of the Texas Government Code because the information requested is being held by the Nassau Bay Police Department's law enforcement agency and deals with the detection, investigation or prosecution of a crime. All the attached documents relate to prior criminal cases against two defendants. One defendant was Andrew Lehman who was charged with POSS CS PG 1/1-B>=4G<200G. Mr. Lehman accepted deferred adjudication for the criminal charge. However, the other defendant in the same episode is Alexandria Meaux. Ms. Meaux was charged with POSS CS PG 1/1-B>=4G<200G, and 2 theft charges. For Ms. Meaux the investigation and prosecution did not result in a conviction or deferred adjudication for her. Rather, all three criminal cases against Ms. Meaux were *dismissed* by the Court. The requested full report and the body worn camera footage are so intertwined with both defendants, Lehman and Meaux that the production of the requested full detailed report and body worn camera footage for Lehman would violate the concluded case exception as to the documents related to Ms. Meaux. As such, the documents are exempt from public disclosure.

Similarly, the documents requested to be disclosed are confidential and exempt from disclosure pursuant to Section 552.108 of the Texas Government Code because the information requested is part of an internal record or notation held by the Nassau Bay Police Department's law enforcement agency and deals with the detection, investigation or prosecution of crime. As shown above, all the attached documents relate to prior criminal cases against two defendants. One defendant was Andrew Lehman who was charged with POSS CS PG 1/1-B>=4G<200G. Mr. Lehman accepted deferred adjudication for the criminal charge. However, the other defendant in the same episode is Alexandria Meaux. Ms. Meaux was charged with POSS CS PG 1/1-B>=4G<200G, and 2 theft charges. For Ms. Meaux the investigation and prosecution did not result in a conviction or deferred adjudication for her. Rather, all three criminal cases were *dismissed* by the Court. The requested full report and the body worn camera footage are so intertwined with both defendants, Lehman and Meaux that the production of the requested full detailed report and body worn camera footage would violate the concluded case exception as to the documents related to Ms. Meaux. As such, the documents are exempt from public disclosure.

Sincerely,



Christopher Gregg
CAG/
Gregg & Gregg, P.C.
City Attorney
City of Nassau Bay, Texas
Enclosures

cc: *City of Nassau Bay, Texas*

Mark Burke
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