

MEMORANDUM BRIEF

On June 29, 2023, **Harris County Precinct 8 Constable's Office** received request from Mark Burke for the complete documents on file and body worn camera footage for case no. 2207-00068. The request is enclosed as Exhibit A. On behalf of the Harris County Precinct 8 Constable's Office, the Office of the Harris County Attorney is submitting this memorandum brief and the responsive records and information for which an exception to disclosure is sought, pursuant to the Texas Public Information Act (the Act), Tex. Gov't Code § 552.001, *et seq.* The responsive records and information for which an exception is sought are attached as Exhibit B.

The Act defines public information as information that is collected, assembled, or maintained under a law or ordinance, or in connection with the transaction of official business: (1) by a governmental body; (2) for a governmental body under certain circumstances; or (3) by an official or employee in an official capacity. Tex. Gov't Code § 552.002. Public information must be disclosed unless the information falls within one of the Act's specific exceptions to disclosure. Tex. Gov't Code § 552.001; Tex. Att'y Gen. Op. Nos. JM-511 (1988), JM-363 (1983).

The information requested includes documents that fall under section 552.108 and any other applicable statute and cases identified of the Texas Public Information Act and should be excepted from disclosure.

Discussion

The information requested includes information that falls under section 552.108, the "law enforcement exception." That exception provides in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements 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[.]

Tex. Gov't Code § 552.108(a)(2).

The requested documents and information relate directly to a closed investigation. The **Office of the Harris County Constable, Precinct 8** asserts the submitted information pertains to a closed investigation that concluded in a result other than conviction or deferred adjudication. *See* Exhibit C. Therefore, section 552.108(a)(2) is applicable, and the submitted information should be withheld.

For the above stated reasons and authority, as well as other applicable law, the records and information in Exhibit B should be excepted from disclosure in their entirety or at least in part.

The Requestor is also being copied with these objections and is being notified that if there are any questions regarding the Act, the requestor may contact the Office of the Attorney General's Hotline at (877) 673-6839.