

BELINDA HILL
FIRST ASSISTANT



CRIMINAL JUSTICE CENTER
1201 FRANKLIN, SUITE 600
HOUSTON, TEXAS 77002-1901

**DEVON ANDERSON
DISTRICT ATTORNEY
HARRIS COUNTY, TEXAS**

February 5, 2015

Hon. Ken Paxton
Attorney General
Supreme Court Building
P.O. Box 12548
Austin, TX 78711-2548
Attn.: Open Records Division
Sent by certified mail, RRR, # 7011 2000 0002 0264 6845

Re: Enclosed Public Information Act request.

Dear Sir:

On January 22, 2015, this office received the enclosed request for disclosure of information (attached as Exhibit A) from William F. Kenny, which I have construed as a request for information under the Public Information Act.

Mr. Kenny's request seeks "copies of Supplements #2, #3, #4, & #5 of the original Police Incident Report provided by Harris County Sheriff's Office (HCSO) Investigator Sgt. Thomas when Case #12-21366 was reopened by HCSO Special Victims Unit Sgt. Weinel."

Case #12-21366 refers to an investigation by the Harris County Sheriff into an alleged altercation between Mr. Kenny and Lisa Kenny on February 14, 2012. The investigation did not result in any charges, conviction or deferred adjudication.

On behalf of Devon Anderson, the District Attorney of Harris County, Texas, I request that the Attorney General determine whether the information sought by the author of the enclosed correspondence is exempt from disclosure under TEX. GOV'T CODE § 552.108.

Enclosed as Exhibit C is the information responsive to Mr. Kenny's request.¹ The District Attorney wishes to withhold this information and submits the following written comments regarding the applicability of the Public Information Act to these materials.

¹ It does not appear that Supplements 2 through 5 constitute "basic information about an arrested person, an arrest or a crime" under Section 552.108(c). The basic information from Case #12-21366 has previously been provided to Mr. Kenny. See Exhibit B (transmittal of basic information to Kenny and explanation to Assistant Attorney General Neal Falgoust).

BELINDA HILL
FIRST ASSISTANT



CRIMINAL JUSTICE CENTER
1201 FRANKLIN, SUITE 600
HOUSTON, TEXAS 77002-1901

**DEVON ANDERSON
DISTRICT ATTORNEY
HARRIS COUNTY, TEXAS**

February 5, 2015

Mr. William F. Kenny
2240 Shadowdale Drive
Houston, Texas 77043

Sent by certified mail, RRR. # 7011 2000 0002 0264 6852

Re: Your recent Public Information Act request.

Dear Mr. Kenny:

Please find enclosed the opinion request letter I transmitted today to the Texas Attorney General with respect to your public information request. You will be notified when the Attorney General rules.

Please let me know if I can be of further assistance.

Sincerely,

SCOTT A. DURFEE
Assistant District Attorney
(713) 755-5816

Hon. Ken Paxton
February 5, 2015
Page 2.

Section 552.108(a)(2) & (b)(2) — Records related to investigation that did not result in conviction or deferred adjudication.

The information sought in Mr. Kenny's request relates to a criminal investigation that did not result in conviction or deferred adjudication. As noted above, the investigation of the altercation did not result in any charges at all against Mr. Kenny, Lisa Kenny or anyone else.

Accordingly, the information related to this criminal investigation is excepted from disclosure under Section 552.108(a)(2) and (b)(2) as relating to an investigation that did not result in conviction or deferred adjudication.

For the foregoing reasons, the District Attorney asks that you find that the materials described herein are excepted from disclosure under the Public Information Act.

Sincerely,

DEVON ANDERSON
Harris County District Attorney



SCOTT A. DURFEE
Assistant General Counsel
Office of the District Attorney
(713) 755-5816

cc: Mr. William F. Kenny
2240 Shadowdale Drive
Houston, Texas 77043
Sent by certified mail, RRR, # 7011 2000 0002 0264 6852