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**HARRIS COUNTY DISTRICT ATTORNEY  
KIM OGG**

September 30, 2022

Hon. Ken Paxton  
Attorney General  
Office of the Attorney General  
Open Records Division  
Attn: Open Government Section, Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548  
*Efiled via Texas OAG PIA Electronic Filing System*

Attn: Open Government Section, Opinion Committee.

Re: Public Information Act Request – Requestor Charles Marler  
Enclosed Public Information Act Request and Written Comments  
Internal Tracking Number 2022.09 – 0042

Dear General Paxton:

On September 16, 2022, this office received the enclosed request for disclosure of information from Charles Marler (attached as **Appendix A**), which I have construed as a request for information under the Public Information Act. On behalf of Kim Ogg, 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 § 552.101 and § 552.108.

***A: The Request***

The author of the enclosed request, Charles Marler, seeks access to: “A copy of the Texas Attorney General’s Office’s investigative report received by your office regarding subjects Gloria Palmer and Tomar Bishop and your associated investigative work.” See **Appendix A**.

Based on the information provided, the District Attorney's Office believes that Charles Marler's request (received via email from Ryan Stanhope from rstanhope@sptx.net) pertains to a pending criminal investigation. *See Appendix A.*

A summary of the pending investigation is enclosed as **Appendix B.**

A representative sample of the requested information is enclosed as **Appendix C.**

***B. Section 552.108(a)(1) – Information Dealing with the Detection, Investigation, or Prosecution of a Crime, Release of which Would Interfere with Detection, Investigation, or Prosecution of a Crime***

The requested material is excepted from required public disclosure by the “law enforcement” exception. Section 552.108(a) of the Government Code provides as follows:

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: (1) release of the information would interfere with the detection, investigation, or prosecution of crime.

TEX. GOV'T CODE §552.108 (a)(1). Information relating to a pending criminal investigation or prosecution is excepted under subsection (a)(1), because release of such information presumptively would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 184–185 (Tex. Civ. App. — Houston [14<sup>th</sup> Dist.] 1975), writ ref'd n.r.e. 536 S.W.2d 559 (Tex. 1976) (per curiam).

In addition to showing that the criminal investigation is pending, the governmental body “must reasonably explain how and why section 552.108 is applicable to the information at issue.” *See* Tex. Att'y Gen. Op. OR2011-10753. The request seeks access to our Office's “associated investigative work.” **Appendix A.** This request encompasses all information related to the investigation at issue. As discussed, this investigation has yet to be resolved. *See Appendices B and C.* Therefore, public disclosure of any information relating to a pending criminal investigation outside the context of the formal criminal discovery process may interfere with the ongoing investigation of a crime and presentment of the case to the Grand Jury. As such, the requested information should be excepted from required public disclosure.

### **Conclusion**

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

Sincerely,

Kim Ogg  
Harris County District Attorney

/s/ Barbara Smith Armstrong  
General Counsel  
Office of the District Attorney  
(713) 274-5945

Enclosure: Appendices A - C

cc: Charles Marler (without Appendices)

Via email to Ryan Stanhope at [rstanhope@sptx.net](mailto:rstanhope@sptx.net)