



JOHN CREUZOT  
CRIMINAL DISTRICT ATTORNEY  
DALLAS COUNTY, TEXAS

July 6, 2023

Gaby Caplan

Via Email: [142776-65696648@request.muckrock.com](mailto:142776-65696648@request.muckrock.com)

Re: Public Information Act request received March 15, 2023,  
clarification requested March 28, 2023, clarification received April  
4, 2023, requesting information from Cause No. F09-59380, *State v.*  
*Gary Green*

**ID# PIA 2023-664**

Dear Ms. Caplan,

Please find enclosed a copy of the information the Attorney General has instructed  
this Office to release in response to the above-referenced PIA request.

Sincerely,

A handwritten signature in blue ink, reading "Laura Anne Coats", is written over a horizontal line.

Laura Anne Coats  
Assistant District Attorney  
Dallas County, Texas

Enclosures

## Laura Coats

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**From:** Andy Beach <Andy.Beach@dallascounty.org>  
**Sent:** Thursday, November 11, 2010 9:33 AM  
**To:** Terri Moore  
**Subject:** Re: Gary Green capital case

Knew I forgot someone. Jaclyn O'Connor.

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**From:** Terri Moore  
**To:** Andy Beach  
**Sent:** Thu Nov 11 09:23:13 2010  
**Subject:** RE: Gary Green capital case  
Andy,

Who was the primary appellate person helping ya'll? Lisa, or Jackie, or both?

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**From:** Andy Beach  
**Sent:** Thursday, November 11, 2010 9:21 AM  
**To:** Craig Watkins  
**Cc:** Terri Moore; Tonia Silva; Josh Healy; Heath Harris; Jimmy Spurger; Kevin Brooks; Jennifer Bennett  
**Subject:** Gary Green capital case

Boss, I would like to commend the trial team that secured a 15 minute guilty verdict and a 3 hour death sentence for this defendant. They worked extremely hard and it was truly a team effort in that everyone put on witnesses and argued. I would also strongly urge you to interview and hopefully hire Amy Richards. She is the intern in the 282nd and was also Messina's intern in family violence. She provided invaluable assistance during the two week trial. Unbelievable work ethic and compassion for the little boys involved.



THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS

June 29, 2023

Ms. Laura Anne Coats  
Assistant District Attorney  
Dallas County District Attorney's Office  
133 N. Riverfront Boulevard, LB-19  
Dallas, Texas 75207-4399

**Requestor Copy**

No mailing address provided

OR2023-22115

Dear Ms. Coats:

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# 067621 (Dallas DA ID# PIA 2023-664).

The Dallas County District Attorney's Office (the "district attorney's office") received a request for certain information pertaining to a named individual and specified offense.<sup>1</sup> You state the district attorney's office does not possess some of the requested information.<sup>2</sup> You claim the submitted information is excepted from disclosure under sections 552.101, 552.111, and 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.<sup>3</sup>

We note most of the submitted information is subject to section 552.022 of the Government Code. Section 552.022(a)(1) provides for the required public disclosure of "a completed

<sup>1</sup> You state the district attorney's office sought and received clarification of the request for information. See Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).

<sup>2</sup> The Act does not require a governmental body to release information that did not exist when it received a request, create responsive information, or obtain information that is not held by the governmental body or on its behalf. See *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 555 at 1 (1990), 452 at 3 (1986), 362 at 2 (1983).

<sup>3</sup> This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize, the withholding of any other requested information to the extent that the other information is substantially different than that submitted to this office. See Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

report, audit, evaluation, or investigation made of, for, or by a governmental body[.]" unless it is excepted by section 552.108 of the Government Code or "made confidential under [the Act] or other law[.]" Gov't Code § 552.022(a)(1). Exhibits C through K are part of a completed investigation that is subject to section 552.022(a)(1) and must be released unless it is either excepted under section 552.108 of the Government Code or is confidential under the Act or other law. Although you assert this information is excepted from disclosure under section 552.111 of the Government Code, this section is discretionary and does not make information confidential under the Act. *See* Open Records Decision Nos. 677 at 10 (2002) (attorney work product privilege under section 552.111 may be waived), 665 at 2 n.5 (2000) (discretionary exceptions generally). Therefore, the district attorney's office may not withhold the information subject to section 552.022 under section 552.111. The Texas Supreme Court has held the Texas Rules of Civil Procedure are "other law" that make information expressly confidential for the purposes of section 552.022. *In re City of Georgetown*, 53 S.W.3d 328, 336 (Tex. 2001). However, the Texas Rules of Civil Procedure apply only to "actions of a civil nature." *See* TEX. R. CIV. P. 2. Thus, because you inform us the district attorney's office prepared the information at issue in connection with a criminal prosecution, the attorney work product privilege found in rule 192.5 of the Texas Rules of Civil Procedure does not apply to this information and the district attorney's office may not withhold it on that basis. However, you also raise section 552.101 of the Government Code, which protects information made confidential under law, and section 552.137 of the Government Code, which makes information confidential under the Act. Therefore, we will consider your arguments under sections 552.101 and 552.137.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, such as section 261.201 of the Family Code, which provides, in relevant part, the following:

(a) [T]he following information is confidential, is not subject to public release under [the Act], and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under [chapter 261 of the Family Code] and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under [chapter 261 of the Family Code] or in providing services as a result of an investigation.

Fam. Code § 261.201(a). Exhibits C through K were used or developed in an investigation by the district attorney's office of alleged or suspected child abuse or neglect and fall within the scope of section 261.201 of the Family Code. *See id.* §§ 101.003(a) (defining "child" for purposes of this section as person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes), 261.001(1), (4) (defining "abuse" and "neglect" for purposes of chapter 261 of the Family

Code). As you do not indicate the district attorney's office has adopted a rule that governs the release of this type of information, we assume no such regulation exists. Given that assumption, and based on our review, we determine Exhibits C through K must be withheld under section 552.101 in conjunction with section 261.201(a).<sup>4</sup> As no exceptions to disclosure are raised for Exhibit L, the district attorney's office must release it.

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,

Lindsay E. Hale  
Assistant Attorney General  
Open Records Division

LEH/tb

Ref: ID# 067621

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>4</sup> As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.