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BRAZORIA COUNTY

June 15, 2026

Via Electronic Submission

The Office of Attorney General of Texas
Attn: Open Records Division
PO Box 12548
Austin, TX 78711-2548

RE: Request for Open Records Decision
Public Information Act Request to Brazoria County
**Brazoria County Reference Number: 26-1706; 26-1710; 26-1714; 26-1717; 26-1720;
26-1721; 26-1724; 26-1725; 26-1726; 26-1728; 26-1737; 26-1752; 26-1755; 26-1760;
26-1761; 26-1762; 26-1767; 26-1772; 26-1809; 26-1929; 26-1930; and 26-1931**

Dear Open Records Division:

Pursuant to Texas Government Code § 552.301, The Brazoria County District Attorney's Office ("DA's Office") submits this request for the Office of the Attorney General to issue a determination of whether the enclosed information is excepted from disclosure under the Public Information Act. This office is legal counsel for Brazoria County, which includes the Brazoria County Sheriff's Office ("Sheriff's Office") and represents the County in matters related to open records requests.

On June 1, 2026, Brazoria County received requests from Jason Nguyen (26-1706), Gauri Godbole (26-1710), and Aaron Johnson (26-1714). *See* Exhibit A. On June 2, 2026, Brazoria County received requests from Cassidy Schultz (26-1717), Katie Boroniec (26-1720), Justin Buzek (26-1721), Jarrod Wardwell (26-1724), Julio Chavez (26-1725), Anthony Cusumano (26-1726), Daniela Hurtado (26-1728), Andrew Bencivengo (26-1737), Tammy Rose (26-1752), and Gauri Godbole sent two requests (26-1755). *Id.* On June 3, 2026, Brazoria County received requests from Denise Davis (26-1760), Jessica Wiley (26-1761), Gauri Godbole (26-1762), Jarrod Wardwell (26-1767), and Marlen (26-1772). *Id.* On June 8, 2026, Brazoria County received a request from Kendra Mackey (26-1809). *Id.* On June 10, 2026, Brazoria County

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received a request from Jarrod Wardwell (26-1929). *Id.* On June 11, 2026, Brazoria County received requests from Sam Benavides (26-1930) and Makasu Watson (26-1931). *Id.* As all requests for responsive information arise from the same underlying incident, this office in the interest of administrative efficiency is submitting a consolidated request for a determination.¹

The Sheriff's Office and the County forwarded to this office the records responsive to this request. *See* Exhibits B and C.

The responsive information in Exhibit B contains media and a voluminous amount of responsive information; however, the Attorney General's electronic submission format does not support media uploads or the uploading of large files. Therefore, this office is submitting a representative sample of the responsive information, which includes screenshots of the media. *See* Tex. Gov't Code. § 552.301(e)(1)(D).

I. The responsive information in Exhibit B should be withheld under the Act's law enforcement exception for the reasons stated below.

Section 552.108 ("law enforcement exception") of the Act states, in relevant parts:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the [Act] if:
 - (1) release of the information would interfere with the detection, investigation, or prosecution of crime...
- (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 prosecution is excepted from the requirements of Section 552.021 if:
 - (1) release of the internal record or notation would interfere with law enforcement or prosecution...

Tex. Gov't Code § 552.108.

The law enforcement exception prevents the disclosure of records if the records deal "with the detection, investigation, or prosecution of crime." *Holmes v. Morales*, 924 S.W.2d 920, 925 (Tex. 1996). *See also Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977) (stating records should not be released if it "will unduly interfere with law enforcement and crime prevention"); Tex. Gov't Code § 552.108(a)(1) and (b)(1). There is a presumption that the release of information relating to an open investigation or a pending criminal prosecution interferes with that open investigation or criminal prosecution. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531

¹ Note, the Attorney General's electronic submission system permits only one reference number per initial determination request, this office has utilized the tracking number from the first received request as the primary reference for this consolidated filing.

S.W.2d 177, 184–85 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (per curiam); Open Records Decision No. 286 (1981).

The requestors seek information held by the County and the Sheriff's Office, a law enforcement agency. *See* Exhibits A and B. As of the date of this request, the responsive information to this request is in reference to an open Texas Department of Public Safety – Texas Rangers (“Texas Rangers”) law enforcement investigation into the use of deadly force by a deputy, and this investigation includes the deputy's personnel file. *See* Exhibit B. Furthermore, as to the personnel file of the deputy who is under investigation by the Texas Rangers, specifically § 552.108(b)(1) is applicable to the records held by both the Sheriff's Office and the County, as the personnel file is an integral part of their investigation. *See* Exhibits B and D. The Texas Rangers object to the release of the responsive information in Exhibit B as there is an open law enforcement investigation and disclosure would interfere with this investigation. *See* Exhibit D. Accordingly, § 552.108(a)(1)(b)(1) applies to the responsive information in Exhibit B and release of the information would interfere with this open law enforcement investigation or pending criminal prosecution.

Furthermore, Texas Government Code § 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” The records in Exhibit B contain TCOLE identification numbers. *See* Exhibit B. TCOLE identification numbers are unique computer-generated numbers assigned to peace officers for identification in TCOLE's electronic database and may be used as an access device number on the TCOLE website. The responsive information in Exhibit B contains access device numbers which are deemed confidential under Gov't Code § 552.136 and are exempt from disclosure under the Act, therefore the information in Exhibit B pertaining to TCOLE identification numbers are excepted from disclosure. *See* ORD 581 (1990).

The records in Exhibit B also contain information pertaining to Texas Crime Information Center (TCIC) and/or National Crime Information Center (NCIC) – criminal history. State law recognizes confidentiality regarding TCIC/NCIC records which are deemed confidential by law. *See* Tex. Gov't Code §§ 411.083, 411.084, and 552.101; Tex. Code of Crim. Proc. art. 60.03(c); *see also* Tex. Att'y Gen. Open Records Decision No. 665 (1997). Therefore, any TCIC/NCIC records contained in Exhibit B are confidential and should be withheld.

For the reasons stated above, this office respectfully requests the Office of the Attorney General issue a determination that the responsive information in Exhibit B is excepted from disclosure under the Act's law enforcement exception and/or the Act's law enforcement exception..

II. The responsive information in Exhibit C pertaining to the Sheriff's Office policy and procedures should also be withheld under the Act's law enforcement exception for the reasons stated below.

Section 552.108 (“law enforcement exception”) of the Act states, in relevant parts:

(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 prosecution is excepted from the requirements of Section 552.021 if:

- (1) release of the internal record or notation would interfere with law enforcement or prosecution...

Tex. Gov’t Code § 552.108.

Texas Government Code subsection 552.108(b)(1) exempts from disclosure the internal records and notations of law enforcement agencies and prosecutors when their release would interfere with law enforcement or prosecution. Subsection 552.108(b)(1) protects “information which, if released, would permit private citizens to anticipate weaknesses in a police department, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate the laws of this State.” *City of Fort Worth v. Cornyn*, 86 S.W.3d 320, 327 (Tex. App.—Austin 2002, no pet.). The Attorney General has concluded that Subsection 552.108(b)(1) exempts from public disclosure information that relates to the security or operation of a law enforcement agency. *See* Tex. Atty. Gen. ORD 2014-12780.

Certain details within Exhibit C must remain confidential to protect public safety and preserve the integrity of law enforcement operations and ongoing investigations.² *See* Exhibit C. Releasing internal policies and procedures—specifically those governing fresh pursuits and investigations into the use of deadly force, among other policies—would compromise active operational security, and/or investigations. Disclosing these specialized techniques or policies would allow individuals to anticipate law enforcement strategies, evade officers, or undermine established safety protocols. Specifically, disclosure poses a direct risk to the safety of both the general public and responding law enforcement officers by allowing the general public to anticipate weakness in the Sheriff’s Office and undermine law enforcement’s investigative process during an investigation. Furthermore, these specific policies are currently relevant to an active, independent investigation being conducted by the Texas Rangers. *See* Exhibit D. The Texas Rangers object to the release of this information, as maintaining confidentiality is standard protocol to ensure an uncompromised investigative process. *Id.*

For the reasons set out above, this office requests that the Attorney General authorize it to withhold the records in Exhibit C under the Act’s law enforcement exception.

² For policies labeled “highlighted text” in Exhibit C – only the highlighted portions are responsive to the requests; unhighlighted text is non-responsive and should be excluded from review. Conversely, if a policy in Exhibit C is not labeled “highlighted text,” the entire document is responsive and must be evaluated under the exceptions to disclosure outlined above.

III. The responsive information in Exhibit B pertaining to body worn camera footage should also be withheld under the Act's confidential information exception in conjunction with Texas Code of Criminal Procedure for the reasons stated below.

The responsive information in Exhibit B pertaining to body worn camera footage should be withheld under the Act's confidential information in conjunction with art. 2B.0112 of the Texas Code of Criminal Procedure.

Texas Government Code § 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses art. 2B.0112 of the Texas Code of Criminal Procedure which governs the release of information recorded by a body worn camera.

Art. 2B.0112 of the Texas Code of Criminal Procedure provides, in relevant parts:

- (a) A member of the public is required to provide the following information when submitting a written request to a law enforcement agency for information recorded by a body worn camera...

Tex. Code Crim. Proc. Ann. art. 2B.0112 (West)

Here, the requested information in Exhibit B is information recorded by a body worn camera, which is held by the Sheriff's Office, a law enforcement agency. This office seeks to withhold the responsive information in Exhibit B as the majority of the requestors seeking body worn camera footage do not provide the requisite criteria when requesting body worn camera footage.³ Consequently, the responsive information in Exhibit B is excepted from disclosure and should be withheld under the Act's confidential information exception in conjunction with art. 2B.0112 of the Texas Code of Criminal Procedure.

Notwithstanding the above, there were requestors who did provide the statutory required criteria when requesting body-worn camera footage.⁴ Art. 2B.0111 of the Texas Code of Criminal Procedure is applicable to those requests.

Art 2B.0111 provides, in relevant parts:

- (a) Except as provided by Subsections (b) and (c), a recording created with a body worn camera that documents an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an

³ The requestors who do not provide the statutory required criteria when requesting body worn camera footage are the following: 26-1706, 26-1714, 26-1717, 26-1720, 26,1724, 26-1726, 26-1728, 26-1737, 26-1752, 26-1760, 26-1931, and any other request which may have been inadvertently missed.

⁴ The following requestors did provide the statutory required criteria when requesting body worn camera footage: 26-1721, 26-1762, and any other request which may have been inadvertently missed.

officer *may not* be deleted, destroyed, or *released to the public until all criminal matters have been finally adjudicated* and all related administrative investigations have concluded.

Tex. Code Crim. Proc. Ann. art. 2B.0111 (West) emphasis added

The responsive information in Exhibit B pertains to the use of deadly force by a peace officer, which the Texas Rangers are investigating criminally and administratively. *See Exhibits B and D.* Pursuant to art. 2B.0111 the body worn camera footage may not be released to the public until all criminal matters have been fully adjudicated and all related administrative investigations have concluded. *See Tex. Code Crim. Proc. Ann. art. 2B.0111.* Furthermore, art. 2B.0110 of the Code of Criminal Procedure provides, in relevant parts:

(a) a peace officer or other employee of a law enforcement agency commits an offense if the officer or employee releases a recording created with a body worn camera under this subchapter without permission of the applicable law enforcement agency...

Tex. Code Crim. Proc. Ann. art. 2B.0110 (West)

Here, the responsive information in Exhibit B is under a law enforcement investigation being conducted by the Texas Rangers. *See Exhibit D.* Release of the body worn camera footage without the permission of the applicable law enforcement agency, the Texas Rangers, would subject this office, a law enforcement agency, to a criminal offense. *See Tex. Code Crim. Proc. Ann. art. 2B.0110.* The Texas Rangers have an open law enforcement investigation into the use of deadly force which at this time has not been concluded and their office objects to the release of the requested records. *See Exhibit D.* Accordingly, the records in Exhibit B pertaining to body worn camera footage is excepted from disclosure.

For the reasons stated above, this office respectfully requests the Office of the Attorney General to issue a determination that the responsive information in Exhibit B pertaining to body worn camera footage is excepted from disclosure.

IV. The records in Exhibits B and C should be withheld under the Act's litigation exception because litigation is reasonably anticipated.

Section 552.103 ("litigation exception") of the Act states, in relevant parts:

- (a) Information is excepted from [the Act] if it is information *relating to litigation of a civil* or criminal nature *to which the state or a political subdivision is or may be a party*
- (c) Information relating to *litigation involving a governmental body or an officer or employee of a governmental body* is excepted from disclosure under

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Subsection (a) only if the litigation is *pending* or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.

Tex. Gov't Code Ann. § 552.103. (emphasis added).

The litigation exception recognizes the importance of the discovery process by providing a temporary exception for request that relates to pending or anticipated litigation, so that disputes regarding the availability of the information in a particular litigation may be properly resolved by a court. *See id.* Shull v. Bexar Cnty., No. 04-99-00286-CV, 2000 WL 5251, at *2 (Tex. App. Jan. 5, 2000). Furthermore, the litigation exception “enables a governmental body to protect its position in litigation by ‘forcing parties seeking information relating to that litigation to obtain it through discovery.’” *Id.* (citing Tex. Att’y Gen. ORD-551 (1990)). Therefore, the litigation exception prevents requestors from circumventing discovery rules and procedures. *See Thomas v. Cornyn*, 71 S.W.3d 473, 487 (Tex. App.—Austin 2002, no pet.); *see also* Attorney General Opinion JM-1048 at 4 (1989); Open Records Decision No. 551 at 3 (1990); Open Records Decision No. 647 (1996).

Pursuant to the Act, “the test for demonstrating this exception requires a showing that, as of the date that the request for information was received by the governmental body: (1) litigation involving the governmental body is pending or reasonably anticipated, and (2) the information relates to the litigation.” Open Record Decision No. 677 (2002) (citing *Univ. of Tex. Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479, 481 (Tex. App.—Austin 1997, no pet.); *see also* Open Records Decision No. 518 at 5 (1989).

Here, John Mendoza, Sr.’s family attorney, Charles Adams, with Roebuck, Thomas, & Adams, PLLC, has put the County, which includes the Sheriff’s Office, among other entities on notice that pending litigation can be anticipated. *See* Exhibit E.

Litigation is reasonably anticipated because the Mendoza family retained counsel on June 1, 2026, as demonstrated by the attorney’s press conference on the same day of this deadly use of force incident and subsequent preservation letter received by this office On June 3, 2026. *Id.* Furthermore, the responsive information relates directly to this reasonably anticipated litigation and is at the base of the investigation into the use of deadly force, which will likely result in civil and criminal litigation. *See* Exhibits B, C, and E. These requests for information were received on the same day or after the County was put on notice of the reasonably anticipated litigation and therefore is excepted from disclosure.

Accordingly, it is the belief of the County that § 552.103 applies, therefore the release of the requested information removes the protection of the litigation exception for Brazoria County and diminishes its ability to protect the County’s position in the reasonably anticipated litigation – the responsive information in Exhibits B and C should be withheld.

This office respectfully requests that the Office of the Attorney General authorize it to withhold the records in Exhibits B and C under the Act's litigation exception.

In conclusion, this office requests that the Office of the Attorney General issue a decision authorizing this office to withhold the responsive information in Exhibits B and C under the Act's law enforcement exception, the Act's confidential information exception, and/or the Act's litigation exception.

If the Office of the Attorney General has any questions or determines it needs additional information/clarification, this office respectfully requests that the Office of the Attorney General comply with Tex. Gov't Code §§ 552.303 (c) and (d) and *provide this office written notice* so this office may timely submit the additional information/clarification. *See* Tex. Gov't Code §§ 552.303 (c) and (d) (stating that if the Attorney General needs additional information/clarification, it "*shall give written notice* of that fact to [this office] ..." and then this office shall submit the additional information/clarification "not later than the seventh calendar day ...") (emphasis added).

Respectfully submitted,

Tom Selleck
Criminal District Attorney
Brazoria County, Texas

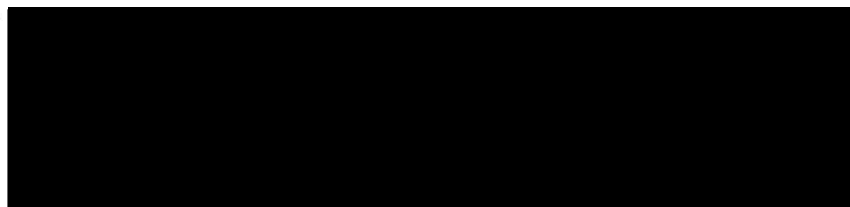


Santos Hinojosa
Assistant District Attorney
Brazoria County, Texas

Enclosures:

- Exhibit A: Public Information Request
- Exhibit B: Responsive Information
- Exhibit C: Responsive Information
- Exhibit D: Texas Rangers Objection Letter
- Exhibit E: Anticipated Litigation Notice

cc: Via Email:



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