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TOM SELLECK
CRIMINAL DISTRICT ATTORNEY
BRAZORIA COUNTY

August 25, 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: 26-2686

Dear Open Records Division:

Pursuant to Texas Government Code § 552.301, The Brazoria County District Attorney'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 and represents the County in matters related to open records requests.

On August 11, 2026, Brazoria County received a request from Tammy Rose. *See* Exhibit A.

This office holds records responsive to this request. *See* Exhibit B.

Pursuant to § 552.301(e)(1)(D) of the Act this office is submitting screen shots as a representative sample of the media as the Attorney General's electronic submission format does not support uploading of media files. It should also be noted that pursuant to the Act this office is submitting a representative sample of the requested records, as the file is voluminous, and the Attorney General's electronic submission format does not support uploading large files.

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

COUNTY COURTHOUSE, 237 E. LOCUST, SUITE 301, ANGLETON, TEXAS 77515

Angleton Area
(979) 864-1233

Houston Area
(281) 756-1233

Brazosport Area
(979) 864-1525

Fax-Criminal Division
(979) 864-1525

Fax-Civil Division
(979) 864-1712

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...
 - (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;..
 - (4) it is information that:
 - (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or
 - (B) reflects the mental impressions or legal reasoning of an attorney representing the state.
- (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...
 - (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication;
 - (3) the internal record or notation:
 - (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or
 - (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

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

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(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 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).

This requestor seeks information held by an investigator of this office, a law enforcement agency. It should be noted that there was a conviction in the original Rebecca Beard murder case. John Paul Taylor was convicted and is currently serving a prison sentence for the murder of Rebecca Beard; however, her body was never discovered/recovered. As Rebecca Beard's body was never discovered/recovered a law enforcement investigation will remain open so that any potential credible leads can be developed. Therefore, releasing the information in Exhibit B would interfere with this open law enforcement investigation. Therefore, the responsive information in Exhibit B is excepted from disclosure.

Additionally, as of the date of this request, the responsive information to this request is in reference to a law enforcement investigation that did not result in a conviction or deferred adjudication. This office has actively investigated "other possible actors/defendants" in the murder of Rebecca Beard, which occurred decades ago. Recently, the findings were presented to the Brazoria County Grand Jury who took no action because they did not find the investigation led to any other credible suspects. Therefore, § 552.108(a)(2) is applicable and the records are excepted from disclosure.

Furthermore, the records in Exhibit B are excepted from disclosure under the attorney work product privilege. These notes and investigative materials were prepared by a DA investigator acting at the direction of an appointed Special Prosecutor in anticipation of criminal litigation. Because the records reflect the mental impressions, investigative strategy, and legal reasoning of the Special Prosecutor during a criminal investigation in anticipation of criminal litigation, the records are exempt from public release.

For the reasons stated above, the responsive information in Exhibit B should not be disclosed and should be withheld in its entirety.

In conclusion, this office requests that the Office of the Attorney General issue a decision authorizing this office to withhold the responsive information in Exhibit B under the Act's law enforcement 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 §§

The Office of the Attorney General of Texas

August 25, 2026

Page 4

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

cc: Via Email: chopperrose@mas.com

Tammy Rose
w/out exhibits