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March 24, 2026

**VIA CMRRR: 9589 0710 5270 0492 4797 49**

Office of the Attorney General, State of Texas  
Open Records Section  
P.O. Box 12548  
Austin, Texas 78711-2548

RE: [REDACTED]'s Public Information Act request to Colorado County dated March 10, 2026 regarding communications

Dear General Paxton:

On March 10, 2026, Colorado County received a request pursuant to the Public Information Act (the Act). This request asked for "All communications — including but not limited to emails, text messages, written memoranda, letters, notes, and instant messages — between or among any of the following Colorado County officials:

- County Judge Ty Prause
- County Attorney Jay Johannes
- Sheriff Justin Lindemann
- Commissioner Precinct 1
- Commissioner Precinct 2
- Commissioner Precinct 3
- Commissioner Precinct 4

For the time period of January 19, 2026 through the present, concerning any of the following subjects:

1. [REDACTED]
2. [REDACTED]
3. The January 19, 2026 incident at the Colorado County Jail
4. Lt. Holly Smith
5. Any civil rights claim, notice of claim, or threatened litigation involving the jail
6. Federal grant funds received by Colorado County, including but not limited to State and Local Fiscal Recovery Funds (SLFRF), Homeland Security grants (SHSP), or any other federal funds designated for jail operations or compliance
7. The County's lack of PREA policies, PREA coordinator, PREA training, or Use of Force policies — and any notification to the Commissioners Court regarding the same
8. Civil rights compliance certifications or assurances submitted in connection with any federal grant application

**SCOPE OF REQUEST**

This request includes communications sent or received on both official county accounts and any personal email accounts, personal cell phones, or other personal devices used to conduct county business. Under Texas law, records do not lose their public character simply because they are stored on a personal device or account.

This request specifically includes any communications between or among members of the Commissioners Court (the County Judge and Commissioners from Precincts 1-4) that discuss any of the subjects listed above. I am particularly interested in any communications that may have created a quorum of the Commissioners Court outside of a properly noticed public meeting.”

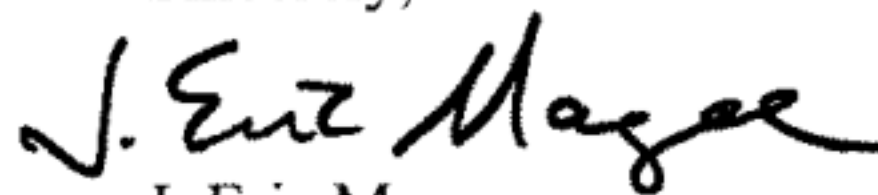
The requested information set forth in the request may be exempt from public disclosure and required to be withheld under the following exceptions of the Texas Public Information Act:

- |                                 |   |
|---------------------------------|---|
| Texas Government Code § 552.101 | Public Records When Information Requested Is Confidential by Law                      |
| Texas Government Code § 552.103 | Litigation and Settlement Negotiations Involving the State or A Political Subdivision |
| Texas Government Code § 552.107 | Certain Legal Matters   |
| Texas Government Code § 552.108 | Certain Law Enforcement, Corrections, Prosecutorial Information                       |
| Texas Government Code § 552.111 | Agency Memoranda  |
| Texas Government Code § 552.136 | Certain Financial Information   |

Colorado County hereby requests an attorney general decision and will submit written comments stating the reasons for withholding the requested information along with the requested information on or before the 15th business day after the date of receipt of the request, pursuant to section 552.301(e) of the Texas Government Code.

Your time and attention to this matter are appreciated.

Sincerely,



J. Eric Magee

JEM/jm  
Enclosures

cc: [REDACTED], requestor

Harold "Wayne" [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

March 10, 2026

**VIA EMAIL**

Colorado County Judge  
Attn: Public Information Officer  
400 Spring Street, Suite 100  
[REDACTED]

**RE: PUBLIC INFORMATION REQUEST PURSUANT TO TEXAS GOVERNMENT  
CODE CHAPTER 552**

Dear Public Information Officer:

Pursuant to the Texas Public Information Act, Texas Government Code Chapter 552, I am requesting copies of the following public records:

**RECORDS REQUESTED**

All communications — including but not limited to emails, text messages, written memoranda, letters, notes, and instant messages — **between or among** any of the following Colorado County officials:

- County Judge Ty Prause
- County Attorney Jay Johannes
- Sheriff Justin Lindemann
- Commissioner Precinct 1
- Commissioner Precinct 2
- Commissioner Precinct 3
- Commissioner Precinct 4

**For the time period of January 19, 2026 through the present, concerning any of the following subjects:**

1. [REDACTED]

2. [REDACTED]
3. The January 19, 2026 incident at the Colorado County Jail
4. Lt. Holly Smith
5. Any civil rights claim, notice of claim, or threatened litigation involving the jail
6. Federal grant funds received by Colorado County, including but not limited to State and Local Fiscal Recovery Funds (SLFRF), Homeland Security grants (SHSP), or any other federal funds designated for jail operations or compliance
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### **SCOPE OF REQUEST**

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This request specifically includes any communications **between or among members of the Commissioners Court** (the County Judge and Commissioners from Precincts 1-4) that discuss any of the subjects listed above. I am particularly interested in any communications that may have created a **quorum** of the Commissioners Court outside of a properly noticed public meeting.

### **NOTICE REGARDING TEXAS OPEN MEETINGS ACT**

The Texas Open Meetings Act, Texas Government Code Chapter 551, requires that meetings of a governmental body be open to the public. A "**meeting**" occurs whenever a quorum of a governmental body deliberates public business — including through serial communications (a "walking quorum") where members communicate in sequence to build consensus outside of a public meeting.

The Commissioners Court of Colorado County consists of five members: the County Judge and four Commissioners. A quorum is three members. Any deliberation among three or more of these members, conducted through email, text message, or other communications outside of a noticed public meeting, may constitute a violation of the Open Meetings Act. *See* Tex. Gov't Code § 551.143 (criminalizing conspiracy to circumvent the Open Meetings Act).

I am requesting these communications to determine whether the Commissioners Court has conducted public business in compliance with the Open Meetings Act, particularly with respect to matters involving the Colorado County Jail, civil rights liability, and the use of federal funds.

### **REQUEST FOR VERIFICATION FROM IT DIRECTOR**

I am requesting that IT Director Charles Schneider provide **written verification** confirming that a diligent search has been conducted of all county email servers, archives, and backup systems for communications responsive to this request. This verification should confirm that all responsive records have been identified and produced, or explain any limitations on the search conducted.

### **NOTICE REGARDING PENALTIES FOR DESTRUCTION OF PUBLIC RECORDS**

I am placing all county officials and employees on notice that the destruction, deletion, or concealment of public records — including emails, text messages, and other electronic communications — after receiving a request for such records is a **criminal offense** under Texas law.

**Texas Penal Code § 37.10(a)(3)** makes it a **felony** to intentionally destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a governmental record. This offense is punishable as a state jail felony (180 days to 2 years confinement), and may be elevated to a higher degree felony depending on the intent and circumstances.

**Texas Local Government Code § 202.008** further provides that a person commits an offense if the person knowingly or intentionally violates the Local Government Records Act, including by destroying records without authorization. Violation is a Class A misdemeanor (up to 1 year in jail and \$4,000 fine).

Any county official or employee who deletes, destroys, or conceals communications responsive to this request — or who instructs others to do so — may be subject to criminal prosecution. This includes communications stored on personal devices or accounts if those communications relate to county business.

### **STATUTORY REQUIREMENTS**

As you are aware, the Texas Public Information Act requires that you respond to this request promptly, and in no event later than ten (10) business days after receiving this request. If you intend to withhold any responsive records, you must seek an Attorney General ruling within that time period and must provide me with written notice as required by § 552.301.

To reduce costs, I request that all responsive records be provided in electronic format via email to [REDACTED]. If any records exist only in paper form, I am willing to pay

reasonable copying costs. If the cost will exceed \$40.00, please contact me with an estimate before proceeding.

Please contact me if you have any questions regarding this request. I look forward to your prompt response.

Sincerely,

[REDACTED]

Harold "Wayne" [REDACTED]

**cc:**

Charles Schneider, IT Coordinator  
Colorado County