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*Attorneys at Law*

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March 30, 2026

**VIA EMAIL:**

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

RE: [REDACTED]'s Public Information Act request to the Colorado County Sheriff's Office dated March 9, 2026 regarding video and audio recordings of the incident involving inmate [REDACTED] on the evening of January 19, 2026

Dear Mr. [REDACTED]:

As you are aware, our office represents the Colorado County Sheriff's Office in this matter. On March 9, 2026, the Colorado County Sheriff's Office received a request pursuant to the Public Information Act (the Act). This request asked for "[a]ll video and audio recordings from any camera or recording device within the Colorado County Jail that captured any portion of the incident involving inmate [REDACTED] on the evening of January 19, 2026, including but not limited to:

1. All video recordings from approximately 8:00 PM through 11:30 PM on January 19, 2026, from any camera in or near the medication distribution area, booking area, hallways, common areas, or any other location where the incident or its aftermath was recorded.
2. All audio recordings from the same time period, including any recordings from body-worn cameras, fixed microphones, or other audio capture devices.
3. Any video or audio recordings showing the 83-minute period between the incident (approximately 9:00 PM) and the arrival of EMS (approximately 10:49 PM).
4. Any video or audio recordings showing interactions between jail staff and [REDACTED] during the above time period."

The purpose of this letter is to notify you that there are certain exceptions to the Public Information Act that apply concerning the release of the requested information. the Colorado County Sheriff's Office seeks to withhold the confidential information involving some of these documents pursuant to sections 552.101 and 552.103 of the Texas Government Code.

March 30, 2026

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**SPECIAL NOTICE:**

**Also attached to this response is a copy of the Request for Opinion addressed to the Attorney General. The portions of the request that would tend to reveal the nature of the withheld information has been redacted to preserve the Colorado County Sheriff's Office invocation of privilege or exception. TEX. GOV'T CODE ANN. § 552.301(e-1).**

Sincerely,

A handwritten signature in black ink, appearing to read "J. Eric Magee". The signature is fluid and cursive, with a long horizontal stroke at the end.

J. Eric Magee

JEM/jm

Enclosures

cc: Office of the Attorney General, State of Texas

**TAB 1**

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

March 9, 2026

**VIA EMAIL**

Colorado County Sheriff's Office  
Attn: Public Information Officer  
304 Spring Street  
[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 video and audio recordings from any camera or recording device within the Colorado County Jail that captured any portion of the incident involving inmate [REDACTED] on the evening of January 19, 2026, including but not limited to:

1. All video recordings from approximately 8:00 PM through 11:30 PM on January 19, 2026, from any camera in or near the medication distribution area, booking area, hallways, common areas, or any other location where the incident or its aftermath was recorded.
2. All audio recordings from the same time period, including any recordings from body-worn cameras, fixed microphones, or other audio capture devices.
3. Any video or audio recordings showing the 83-minute period between the incident (approximately 9:00 PM) and the arrival of EMS (approximately 10:49 PM).
4. Any video or audio recordings showing interactions between jail staff and [REDACTED] during the above time period.

**RELATIONSHIP TO PRIOR REQUESTS**

I acknowledge that this request may overlap in part with a previous TPIA request submitted on January 21, 2026 (OAG Tracking ID: 66377756), which sought dispatch audio, radio communications, and related documentation from the January 19, 2026 incident. This current request is intended to be **more comprehensive**, specifically targeting all **jail surveillance video and audio** — not merely dispatch or radio recordings. To the extent any records are responsive to both requests, they need only be produced once.

#### **HIPAA AUTHORIZATION ENCLOSED**

Because the requested video involves medication distribution and medical care, I am enclosing a signed HIPAA-compliant Authorization for Release of Protected Health Information executed by [REDACTED]. This authorization expressly permits the disclosure of any records — including video and audio recordings — related to her medical care, medication administration, and treatment at the Colorado County Jail.

Accordingly, any attempt to withhold responsive records under Texas Government Code § 552.101 (incorporating medical privacy protections under the Medical Practice Act or Health and Safety Code) would be improper, as **the patient herself has authorized disclosure**. A governmental body cannot invoke a patient's privacy rights *against* that patient to deny her access to her own records.

#### **NOTICE REGARDING WAIVER OF LAW ENFORCEMENT EXCEPTIONS**

I am putting the Sheriff's Office on notice that any attempt to withhold these records under the law enforcement exceptions (Texas Government Code §§ 552.108, 552.1175, or 552.152) would be inconsistent with representations already made by the County in related matters.

On March 3, 2026, the County's outside counsel, Allison, Bass & Magee, L.L.P., formally and explicitly **withdrew the County's reliance on these law enforcement exceptions** in a communication to the Texas Attorney General regarding related TPIA requests arising from the same January 19, 2026 incident.

By withdrawing these exceptions, the County has conceded that the release of records related to this incident would not interfere with any law enforcement or prosecutorial function, would not compromise officer safety, and would not reveal sensitive personal information beyond what is required to be public. The County cannot now reassert these same exceptions to withhold video evidence of the very same incident.

Furthermore, on February 26, 2026, Colorado County Attorney Jay Johannes confirmed in writing that **"no decisions have been made with regard to any criminal charges"** arising from this incident. There is no pending prosecution that would justify withholding this evidence under § 552.108.

## **NOTICE REGARDING THE LITIGATION EXCEPTION**

I also anticipate that the County may attempt to invoke the litigation exception under Texas Government Code § 552.103. Any such attempt would be a misapplication of the law for the following reasons:

**1. The video was not created in anticipation of litigation.** Jail surveillance footage is recorded automatically in the ordinary course of jail operations. It is created routinely, regardless of whether any incident occurs. The video at issue existed — and would have existed — whether or not litigation was ever contemplated. Section 552.103 protects litigation strategy and attorney work product, not pre-existing factual records that happen to become relevant to later litigation.

**2. Core factual records are not protected.** The Attorney General has consistently held that § 552.103 does not protect basic factual information that provides a general account of an incident. *See* Tex. Att'y Gen. Open Records Decision No. 551 (1990). Video footage showing what actually happened during an incident is the quintessential "general account" — it is raw, unfiltered factual evidence, not attorney analysis or strategy.

**3. The exception cannot be used to hide evidence of wrongdoing.** The Texas Supreme Court has made clear that the Public Information Act is to be "liberally construed in favor of openness." *City of Garland v. Dallas Morning News*, 22 S.W.3d 351 (Tex. 2000). To allow a governmental body to conceal video evidence of an alleged assault by its own employees — simply because the victim may sue — would create an exception that swallows the entire Act and shields government misconduct from public scrutiny.

**4. The public interest is paramount.** The public has an overwhelming interest in knowing how force is used against inmates in county jails. This is especially true in light of the County's own admissions that it has no Use of Force policy and no PREA policy. Video evidence of how jail staff actually conduct themselves is precisely the kind of information the Public Information Act was designed to make available.

## **FORMAT AND DELIVERY**

I request that the responsive video and audio recordings be provided in their original digital format (or a commonly used format such as MP4, AVI, or WAV) on a USB drive or via secure electronic transfer. I am willing to pay reasonable costs for duplication and will provide a USB drive if that would expedite production.

## **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.

If you claim that no responsive records exist, please confirm in writing whether video surveillance was operational in the Colorado County Jail on the evening of January 19, 2026, and if so, whether any recordings from that date have been preserved, deleted, or destroyed.

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

Sincerely,

/s/ [REDACTED]  
Harold "Wayne" [REDACTED]

**Enclosure:** HIPAA Authorization for Release of Protected Health Information, signed by [REDACTED]

**cc:**

J. Eric Magee, Allison, Bass & Magee, L.L.P.  
1301 Nueces Street, Suite 201  
Austin, Texas 78701  
e.magee@allison-bass.com

**TAB 2**

**ALLISON, BASS & MAGEE, L.L.P.**

*Attorneys at Law*

1301 Nueces Street, Suite 201

AUSTIN, TEXAS 78701

(512) 482-0701

FAX (512) 480-0902

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ROBERT T. BASS  
[r.bass@allison-bass.com](mailto:r.bass@allison-bass.com)

J. ERIC MAGEE  
[e.magee@allison-bass.com](mailto:e.magee@allison-bass.com)

March 23, 2026

**VIA EMAIL:**

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

RE: [REDACTED]' Public Information Act request to Colorado County Sheriff's Office dated March 9, 2026 regarding video and audio recordings of the incident involving inmate [REDACTED] on the evening of January 19, 2026

Dear Mr. [REDACTED]:

Our office represents the Colorado County Sheriff's Office in this matter. The Colorado County Sheriff's Office received your request pursuant to the Public Information Act (the Act) on March 9, 2026. Specifically, you ask for "All video and audio recordings from any camera or recording device within the Colorado County Jail that captured any portion of the incident involving inmate [REDACTED] on the evening of January 19, 2026, including but not limited to:

1. All video recordings from approximately 8:00 PM through 11:30 PM on January 19, 2026, from any camera in or near the medication distribution area, booking area, hallways, common areas, or any other location where the incident or its aftermath was recorded.
2. All audio recordings from the same time period, including any recordings from body-worn cameras, fixed microphones, or other audio capture devices.
3. Any video or audio recordings showing the 83-minute period between the incident (approximately 9:00 PM) and the arrival of EMS (approximately 10:49 PM).
4. Any video or audio recordings showing interactions between jail staff and [REDACTED] during the above time period."

The purpose of this letter is to timely provide you a response to your request. As you are probably aware, the Public Information Act requires that certain information remain confidential. In circumstances where such exclusions may apply, the governmental entity (the Colorado County Sheriff's Office) is required to submit the documents to the Texas Attorney General for a confidentiality determination. Therefore, the requested documents are being withheld pursuant to those exceptions and are being submitted to the Texas Attorney General for a decision on whether the PIA requires that these documents be withheld. This process is not to interfere with governmental transparency but to protect confidential information that may not be disclosed without approval from the Attorney General.

March 23, 2026

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Specifically, section 552.101 of the Public Information Act provides for an exception to the disclosure of public records when information requested is confidential by law and section 552.103 which provides an exception for Litigation and Settlement Negotiations Involving the State or A Political Subdivision.

**SPECIAL NOTICE(S):**

The Colorado County Sheriff's Office will forward its discussion of exceptions regarding the documents being withheld to the Attorney General within fifteen (15) business days from the date of the request. A copy will be forwarded to you at that time. The portions of the discussion that would tend to reveal the nature of withheld information will be redacted to preserve the invocation of privilege or exception. — TEX. GOVT. CODE ANN. § 552.301(d)(2).

Sincerely,

A handwritten signature in black ink, appearing to read "J. Eric Magee". The signature is written in a cursive style with a large, sweeping "J" and "M".

J. Eric Magee

JEM/jm

Enclosures

cc: Office of the Attorney General, State of Texas

**TAB 3**

[Documents Withheld]

**TAB 4**

**DISCUSSION OF EXCEPTIONS TO DISCLOSURE UNDER THE TEXAS PUBLIC INFORMATION ACT**

The public information request from [REDACTED] seeks “All video and audio recordings from any camera or recording device within the Colorado County Jail that captured any portion of the incident involving inmate [REDACTED] on the evening of January 19, 2026, including but not limited to:

1. All video recordings from approximately 8:00 PM through 11:30 PM on January 19, 2026, from any camera in or near the medication distribution area, booking area, hallways, common areas, or any other location where the incident or its aftermath was recorded.
  2. All audio recordings from the same time period, including any recordings from body-worn cameras, fixed microphones, or other audio capture devices.
  3. Any video or audio recordings showing the 83-minute period between the incident (approximately 9:00 PM) and the arrival of EMS (approximately 10:49 PM).
  4. Any video or audio recordings showing interactions between jail staff and [REDACTED] during the above time period.”
- The following request for Attorney General review and direction is made as the requested documents are protected from disclosure by the following statutory exceptions.

**§ 552.101: Exception: Confidentiality by Law**

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” TEX. GOV’T CODE ANN. § 552.101. Section 552.101 excepts information that has been held to be confidential under common law. Common law confidentiality protections must contain “highly intimate or embarrassing facts about a person’s private affairs such that its release would be highly objectionable to a reasonable person” or if the disclosure of such information would “be of no legitimate concern to the public.” *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977).

**Video Footage from the Colorado County Jail**

The Texas Government Code provides that “information ... in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential.” Tex. Gov’t Code §§ 418.182(a); 552.101.

Colorado County submits these videos from inside the Colorado County Jail which show

[REDACTED]

Pursuant to Section 418.181, information in the possession of the government that identifies the technical details of particular vulnerabilities of critical infrastructure, is confidential. Tex. Gov't Code § 421.181. Critical infrastructure includes all public assets, systems, and functions vital to security, governance, and public health and safety. *See Id.* § 421.001(2). [REDACTED]

therefore, the Jail recordings are confidential under § 418.181.

Pursuant to § 421.182, information in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public property from an act of terrorism or related criminal activity, is confidential. Tex. Gov't Code § 421.182(a). [REDACTED]

[REDACTED] Similarly, at issue in *Texas Dep't of Pub. Safety v. Abbott*, was video recorded by security cameras in a Texas Capitol hallway. *Texas Dep't of Pub. Safety v. Abbott*, 310 S.W.3d 670, 673 (Tex. App. 2010). In that case, the Court considered “whether the broad scope of Section 418.182(a) includes the recordings of video images captured by the security system used to protect [a] hallway ... at the capitol.” *Id.* at 675. While the Court found that the narrative illustrated by the images on the videos was unrelated to the specifications of the security system, the Court held that the “medium of transmission of that underlying narrative, however, inescapably relates to the specifications of the security system.” *Id.* at 677. “Specifications of a security system include the cameras' capabilities, and the [recordings] ... demonstrate these capabilities through the characteristics, quality, and clarity of the images recorded.” *Id.* [REDACTED]

[REDACTED] Accordingly, the recordings at issue here are confidential and excepted from disclosure. *See id.*

For these reasons, the requested information should be withheld pursuant to Texas Government Code §552.101.

**§ 552.103: Exception: Litigation or Settlement Negotiation Involving the State or Political Subdivision**

Section 552.103 prevents the use of the Public Information Act as a method of avoiding the rules of discovery used in civil litigation. Specifically, section 552.103 provides that “[i]nformation is excepted from the requirements of Section 552.021 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 or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party” and “[i]nformation relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under 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 §552.103(a) & (c)(emphasis added). This exception allows a governmental body to protect its position in litigation by forcing parties to obtain information through proper discovery procedures. To claim this exception, the governmental body must show that (1) litigation is pending or reasonably anticipated and (2) the information must relate to that litigation. *Univ. of Tex. Law Sch. v. Tex. Legal Found.*, 958 S.W.2d 479, 481 (Tex. App.—Austin 1997); *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.—Houston [1st Dist.] 1984, writ ref’d n.r.e.).

In Open Records Decision No. 551 (1990), the Attorney General concluded that the governmental body “need only establish the relatedness of the information to the subject matter of the pending or anticipated litigation.” Open Records Decision No. 551 at 5 (1990). Further, the protections offered by the exception end only while litigation is pending. *See* Tex. Att’y Gen/ OR1990-554, at 4; *see also* *Thomas v. El Paso Cty. Cmty. Coll. Dist.*, 397 S.W.3d 722, 726 (Tex. App.—El Paso 2001, no pet.). Requests for information related to litigation are determined by the circumstances at the time the request is received by the governmental entity. *See* GOV’T CODE § 552.103(c); *see also* Tex. Att’y Gen. OR2002-677, at 2–3.

[REDACTED]

[REDACTED] Therefore, the request for this information relates to reasonably anticipated litigation between [REDACTED] and Colorado County and should be withheld in its entirety.

\*\*\*\*\*

The following index is an overview of the documents requested and the exception or privilege asserted, except where redaction is necessary to protect the asserted exception or privilege. Pursuant to section 552.301(e)(1)(d) of the Texas Government Code, a governmental body must submit “a copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested.” The Colorado County Sheriff’s Office is providing the documents requested, as well as this summary of the exceptions deemed applicable. The following index is offered:

	<b>DESCRIPTION OF DOCUMENTS TO BE WITHHELD</b>	<b>BASIS OF EXCEPTION</b>
Tab 1	Original Request	
Tab 2	Original Response to Requestor	
Tab 3	Copy of all responsive information	§ 552.101 § 552.103
Tab 4	Legal rationale for withholding of documents	
Tab 5	Notice of Claim & Formal Demand for Preservation of Evidence	

**TAB 5**

**SENT VIA CERTIFIED MAIL -- RETURN RECEIPT REQUESTED**

DATE: January 29, 2026

RE: NOTICE OF CLAIM & FORMAL DEMAND FOR PRESERVATION OF EVIDENCE

SUBJECT: [REDACTED] | Incident Date: January 19, 2026

To: **Honorable Ty Prause**, Colorado County Judge

Colorado County Courthouse  
400 Spring Street, Room 107  
[REDACTED]

This letter is a formal Notice of Claim pursuant to Tex. Civ. Prac. & Rem. Code § 101.101 and a Demand for Preservation of Evidence. I am writing on behalf of my wife, [REDACTED]t, regarding a use-of-force incident involving Colorado County Jail staff.

**NOTICE OF PREVIOUS CONTACT**

This formal notice follows my electronic communications sent on January 19, 2026, and January 28, 2026, to Sheriff Lindemann, Captain Ashley Laake, and others. As of this mailing, no acknowledgment has been received. Copies of these emails are attached as Exhibit A.

**LITIGATION HOLD & "FREEZE" DIRECTIVE**

You are hereby directed to immediately preserve and segregate all electronically stored information (ESI), video, and audio recordings involving [REDACTED] for the period of January 12, 2026 to January 21, 2026. This request specifically includes, but is not limited to:

- All facility surveillance footage (intake, hallways, cells, and housing units where [REDACTED] was housed or present).
- All body-worn camera (BWC) footage of involved jailers and supervisors.
- All audio recordings of jailer communications during this window.
- The Texas Ranger investigative file and all supplemental reports regarding [REDACTED]t.
- All use-of-force incident reports from January 19, 2026.
- Medical Administration Records (MAR) for [REDACTED]t.
- Booking and medical screening forms.
- All grievances filed by [REDACTED]t.
- Duty rosters, shift logs, and assignment sheets for all personnel assigned to areas where [REDACTED] was housed.

*The full 10-day period (January 12–21, 2026) is requested because the use-of-force incident on January 19 was preceded by a pattern of escalating retaliation against [REDACTED] after she filed grievances about jail conditions. Video footage from the days before and after the incident is necessary to document this pattern of retaliatory conduct leading up to the assault.*

### **PROHIBITION AGAINST PURGING**

Be advised that Colorado County has a non-delegable duty to preserve evidence when litigation is reasonably anticipated. If the County intends to contest the scope of this hold as "overly broad," you are strictly prohibited from purging, overwriting, or destroying any data in the interim. You must "freeze" all data until a court-ordered protective order or Rule 202 hearing resolves the scope of discovery.

**Any destruction of records following this notice will be treated as intentional spoliation, and we will seek an adverse inference instruction at trial.**

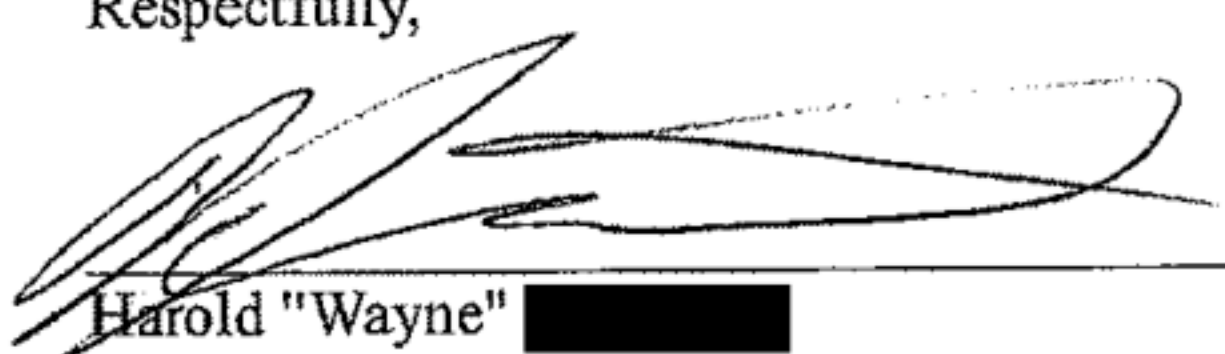
### **NOTICE OF CLAIM**

On January 19, 2026, at approximately 9:00 PM, [REDACTED] was injured by jail staff at the Colorado County Jail. During medication distribution, after asking to verify her medications due to a prior medication error, Lt. Holly Smith used physical force that resulted in [REDACTED] being tackled to the concrete floor. She lost consciousness and sustained a traumatic brain injury (TBI), which was later diagnosed at the hospital.

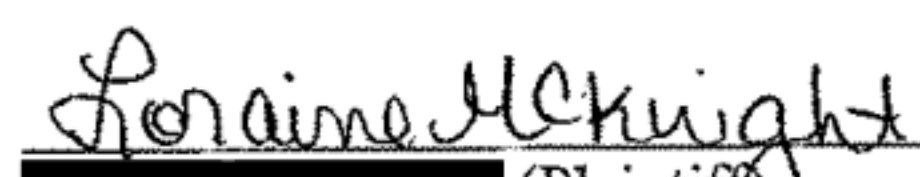
Following the incident, [REDACTED] was left without medical attention for approximately 83 minutes until my phone call to dispatch prompted EMS transport. Additional injuries include loss of bowel and bladder control at the time of the incident.

We are investigating claims for excessive force, deliberate indifference to serious medical needs, and First Amendment retaliation under 42 U.S.C. § 1983, as well as claims under the Texas Tort Claims Act. Damages are to be determined pending full medical evaluation and legal consultation.

Respectfully,

  
Harold "Wayne" [REDACTED]

[REDACTED]  
wayne[REDACTED]@gmail.com

  
Loraine McKnight  
[REDACTED] (Plaintiff)

CC:

Sheriff Justin Lindemann, Colorado County Sheriff's Office  
Honorable Ty Prause, Colorado County Judge  
Jay Johannes, Colorado County Attorney  
Captain Ashley Laake, Jail Administrator

**Enclosures:**

Exhibit A: Email correspondence dated January 19, 2026 and January 28, 2026



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**Re: Notice to Preserve Evidence**

1 message

---

[Redacted] <[Redacted]> Wed, Jan 28, 2026 at 7:32 PM  
To: Justin Lindemann <justin.lindemann@co.colorado.tx.us>, eugenia.behrens@co.colorado.tx.us

To date, I have not received an acknowledgement of receipt via email or otherwise.

Please confirm that you have received this notice.

On Mon, Jan 19, 2026 at 11:52 AM [Redacted] <[Redacted]> wrote:

**To:** Sheriff Justin Lindemann

**Attn:** Jail Administrator / Records Division

**Colorado County Sheriff's Office Address:** 2215 Walnut Street, [Redacted]

**Sent via:** [Email: justin.lindemann@co.colorado.tx.us AND Certified Mail]

**DATE:** January 19, 2026

**RE: FORMAL NOTICE TO PRESERVE EVIDENCE – Incident Period Jan 12–19, 2026**

Dear Sheriff Lindemann,

Please consider this formal notice that litigation is reasonably anticipated regarding events occurring at the Colorado County Jail between **January 12, 2026, and January 19, 2026**. This notice is issued to prevent the spoliation (destruction or overwriting) of evidence relevant to a potential claim.

Specifically, you are directed to **immediately suspend all routine deletion or overwriting** and to preserve the following evidence in its original, unaltered format:

- 1. Surveillance Footage:** All 24/7 video recordings from cameras overlooking and inside the **"Overflow" housing unit/area** where [Redacted] was housed. This includes cameras in the housing pods, hallways leading to that unit, and any common areas within that section.
- 2. Personnel Records:** All duty rosters, shift logs, and assignment sheets identifying every correctional officer, jailer, and supervisor assigned to the "Overflow" housing unit and its peripheral stations for all shifts during this period.  
NOTE: Historical records do not jeopardize operational security at the Jail.
- 3. Communication Logs:** All digital or handwritten logs, "round" sheets, and security check records for the Overflow unit.
- 4. Inmate Records:** All medical requests, grievances, and incident reports associated with [Redacted] or other inmates in the Overflow unit during these dates.

Be advised that under Texas law, the duty to preserve arises when a party has notice that evidence is relevant to litigation. Failure to preserve this evidence after receiving this notice may result in legal sanctions. Please confirm receipt and provide written confirmation that the specified evidence has been placed on a litigation hold.

Sincerely,

**Harold "Wayne" [Redacted]**  
[Redacted]  
[Redacted]



<wayne.mcknight@gmail.com>

**Fwd: Notice to Preserve Evidence**

<wayne.mcknight@gmail.com>  
To: jay.johannes@co.colorado.tx.us, Ty Prause <ty.prause@co.colorado.tx.us>, Justin Lindemann <justin.lindemann@co.colorado.tx.us>, Ashley Laake <ashley.laake@co.colorado.tx.us>, eugenia.behrens@co.colorado.tx.us, <wayne.mcknight@gmail.com>

**FORMAL DEMAND FOR PRESERVATION OF EVIDENCE**

We previously attempted to contact the Jail via email on January 19, 2026, and again on January 28th, 2026, regarding the preservation of evidence. As of this email, we have received no response.

You are hereby directed to preserve all video and audio recordings from the Colorado County Jail from January 12th to January 21st. This includes, but is not limited to: **(Expanding the original request)**

- Facility surveillance footage (hallways, intake, and cells where [REDACTED] McKnight was housed or present)
- Body-worn camera footage from all involved officers or jailers interacting with [REDACTED].
- The Texas Ranger investigative file and all supplemental reports, current or future in regards to [REDACTED].
- and other preservations as previously requested.

Failure to preserve this evidence will be treated as intentional spoliation and may result in a court-ordered adverse inference against Colorado County in future litigation.

Exhibits of requests will be printed and sent via Certified Mail to all parties listed in this email.

Sheriff Justin Lindemann: 2215 Walnut Street, [REDACTED]  
 Ashley Laake (Jail Captain): 2215 Walnut Street, Columbus TX 78934  
 Judge Ty Prause: 400 Spring Street, Room 107, [REDACTED]  
 Jay Johannes (County Attorney): 400 Spring Street, Room 204, [REDACTED]

----- Forwarded message -----  
 From: [REDACTED] <[REDACTED]>  
 Date: Wed, Jan 28, 2026 at 7:32 PM  
 Subject: Re: Notice to Preserve Evidence  
 To: Justin Lindemann <justin.lindemann@co.colorado.tx.us>, <eugenia.behrens@co.colorado.tx.us>

To date, I have not received an acknowledgement of receipt via email or otherwise.  
Please confirm that you have received this notice.

On Mon, Jan 19, 2026 at 11:52 AM [REDACTED] <[REDACTED]> wrote:

To: Sheriff Justin Lindemann  
 Attn: Jail Administrator / Records Division  
 Colorado County Sheriff's Office Address: 2215 Walnut Street, [REDACTED]  
 Sent via: [Email: justin.lindemann@co.colorado.tx.us AND Certified Mail]  
 DATE: January 19, 2026  
 RE: FORMAL NOTICE TO PRESERVE EVIDENCE – Incident Period Jan 12–19, 2026

Dear Sheriff Lindemann,  
Please consider this formal notice that litigation is reasonably anticipated regarding events occurring at the Colorado County Jail between January 12, 2026, and January 19, 2026. This notice is relevant to a potential claim.

Specifically, you are directed to immediately suspend all routine deletion or overwriting and to preserve the following evidence in its original, unaltered format:

1. **Surveillance Footage:** All 24/7 video recordings from cameras overlooking and inside the "Overflow" housing unit/area where [REDACTED] was housed. This includes camera areas within that section.
2. **Personnel Records:** All duty rosters, shift logs, and assignment sheets identifying every correctional officer, jailer, and supervisor assigned to the "Overflow" housing unit and its per [REDACTED].  
NOTE: Historical records do not jeopardize operational security at the Jail.
3. **Communication Logs:** All digital or handwritten logs, "round" sheets, and security check records for the Overflow unit.
4. **Inmate Records:** All medical requests, grievances, and incident reports associated with [REDACTED] or other inmates in the Overflow unit during these dates.

Be advised that under Texas law, the duty to preserve arises when a party has notice that evidence is relevant to litigation. Failure to preserve this evidence after receiving this notice may result in a court-ordered adverse inference. Please provide confirmation that the specified evidence has been placed on a litigation hold.

Sincerely,  
 Harold "Wayne" [REDACTED]  
 979-661-9362  
 wayne.mcknight@gmail.com

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Wednesday, March 18, 2026 10:12 PM  
**To:** Ty Prause <[ty.prause@co.colorado.tx.us](mailto:ty.prause@co.colorado.tx.us)>; Jay Johannes <[jay.johannes@co.colorado.tx.us](mailto:jay.johannes@co.colorado.tx.us)>  
**Cc:** Eric Magee <[e.magee@allison-bass.com](mailto:e.magee@allison-bass.com)>  
**Subject:** RE: FORMAL NOTICE OF TORT CLAIM (TEX. CIV. PRAC. & REM. CODE § 101.101)

March 19, 2026

**TO:** Hon. Ty Prause, Colorado County Judge Jay Johannes, Colorado County Attorney 400 Spring Street  
[REDACTED]

**RE: FORMAL NOTICE OF TORT CLAIM (TEX. CIV. PRAC. & REM. CODE § 101.101) Claimant:** Harold "Wayne" [REDACTED] **Incident Date:** January 19, 2026 **Location:** Colorado County Jail

Gentlemen:

Please accept this letter as formal notice of a tort claim against Colorado County, Texas, pursuant to the **Texas Tort Claims Act (TTCA)**.

**I. DESCRIPTION OF INCIDENT** On January 19, 2026, my spouse, [REDACTED], was subjected to a physical "takedown" by Colorado County Jail personnel. This incident resulted in a Traumatic Brain Injury (TBI) and a documented **83-minute delay** in summoning Emergency Medical Services (EMS). The injury was caused by the condition or use of tangible personal or real property (the facility floor and/or restraints) under the control of County personnel.

**II. DESCRIPTION OF INJURY AND DAMAGE** As a direct and proximate result of the County's negligence in the training, supervision, and medical monitoring of its staff, I, Harold "Wayne" [REDACTED], have suffered and continue to suffer a **Loss of Consortium**. This includes the profound loss of companionship, affection, solace, emotional support, and the services of my spouse.

**III. PURPOSE OF NOTICE** This notice is provided within the statutory 180-day period to preserve all state law claims. Because the County continues to withhold the objective audio/video evidence and the identities of the specific jailers involved (including "Jane Doe"), I am currently unable to provide a final valuation of these damages.

Be advised that I intend to move forward with a **Rule 202 Petition for Deposition Before Suit** to investigate these claims and identify all liable parties.

Respectfully,

/s/ [REDACTED]

Harold "Wayne" [REDACTED]