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June 17, 2026

VIA ELECTRONIC FILING

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

RE: Requestor's Comments Pursuant to Tex. Gov't Code § 552.304

Governmental Body: Colorado County Sheriff's Office (CCSO)

Open Records Request dated May 26, 2026 (received May 27, 2026)

Subject: Records concerning former CCSO Deputy/Sergeant Tomas Allen Ramirez

OAG File / Control No.: Not known to Requestor. This matter corresponds to CCSO's request for an attorney general decision dated June 9, 2026 (Exhibit D) and its fifteen-day submission dated June 17, 2026 (Exhibit E).

Related prior ruling relied upon by CCSO: Tex. Att'y Gen. OR2026-014529

Dear Open Records Division:

I am the requestor of the information at issue. Pursuant to Texas Government Code § 552.304, I respectfully submit these written comments stating the reasons why the requested information should be released. The Colorado County Sheriff's Office ("CCSO") seeks to withhold Items 1 through 7 of my request in their entirety, principally under § 552.101 (common-law privacy), and secondarily under §§ 552.1175, 552.130, and 552.147. For the reasons below, the entirety-withholding position cannot stand, because the records CCSO seeks to suppress have already been lawfully released to the public, in redacted form, by the lead criminal-investigation agency.

I. SUMMARY OF POSITION

The dispositive fact is this: the Texas Department of Public Safety ("DPS"), acting through the Texas Rangers, conducted the criminal investigation of Tomas Allen Ramirez (DPS Case No. 2024-0771627, "Violation of Civil Rights of Person in Custody"). DPS produced its entire investigative file to me in redacted form by email on June 8, 2026 — one day before CCSO asked this office to declare the same records confidential — and DPS did NOT request an Attorney General ruling and did NOT assert any exception before producing. That production included the initial report and Supplements 1 through 9 — the offense report, the witness interviews, the jail-surveillance review, the evidence-collection

inventory, the Cellebrite extraction, the DNA search warrant, the arrest documentation, and the indictment. The DPS file as produced to me is attached as Exhibit A.

These are the very categories CCSO now asks this office to bless as categorically confidential. They are not confidential, for three independent reasons:

(1) The records are already in the public domain. DPS released them through the ordinary public-information process, asserting no exception and seeking no ruling; the information is now obtainable by any member of the public. Common- law privacy under § 552.101 protects only matters NOT in the public domain; that element is gone.

(2) CCSO's sole theory for withholding entire documents — that victim-identifying information is "inextricably intertwined" with the rest under Open Records Decision No. 393 — is factually refuted. DPS demonstrated the opposite by redacting the victim's identity and releasing the substance.

(3) Substantial portions of the responsive records are contained in public court records and are therefore not excepted from disclosure under § 552.022(a)(17), and the investigation resulted in deferred adjudication, which removes it from the law-enforcement exception under § 552.108(a)(2) and (b)(2).

I do not seek, and affirmatively concede the confidentiality of, the victim's identifying information under Code of Criminal Procedure arts. 57 and 57A. That narrow, severable redaction is the only protection the law requires here — and it is precisely what DPS already applied.

II. FACTUAL BACKGROUND

On May 26, 2026, I submitted a Public Information Act request to CCSO seeking nine categories of records concerning former CCSO Sergeant Tomas Allen Ramirez and the conduct that resulted in his prosecution under Texas Penal Code § 39.04 and his deferred-adjudication community supervision. By letter dated June 9, 2026 addressed to me (the "ten-day letter," attached as Exhibit C), and by a companion letter of the same date addressed to this office requesting an attorney general decision (attached as Exhibit D), CCSO's counsel gave notice that it was withholding Items 1 through 7 and submitting the matter for a ruling. The June 9 letters asserted §§ 552.101, 552.107, 552.1175, 552.130, and 552.147. By letter and submission dated June 17, 2026 (the "fifteen-day letter," attached as Exhibit E), CCSO's counsel set out its discussion of exceptions, released Items 8 and 9 (policies and remedial measures), and withdrew its reliance on § 552.107 — leaving §§ 552.101, 552.1175, 552.130, and 552.147 as the asserted bases for withholding Items 1 through 7.

In support, CCSO relies on this office's prior informal letter ruling, OR2026-014529, issued on a substantially similar request submitted by a different requestor, which concluded that — as to a requestor who is not the authorized representative of the victim — the submitted information must be withheld in its entirety under § 552.101 in conjunction with common-law privacy. (Exhibit E.)

What CCSO's submission does not disclose is that the underlying criminal investigation — the same set of records — has since been released to the public by DPS. The DPS file establishes the following undisputed facts:

- The investigation was conducted by Texas Ranger Cody Rogers at the request of CCSO, and involved CCSO Chief Deputy Justin Lindemann and CCSO Lieutenant Andrew Weido. (DPS Initial Report; Supplements 1, 2, 4.) - Ramirez was charged under Penal Code § 39.04(b) (Civil Rights of Person in Custody Violate/Sexual), a second-degree felony. (DPS Charge and Arrest Form.) - A Justice of the Peace issued an arrest warrant with a $100,000 bond; Ramirez turned himself in on October 1, 2024. (DPS Supplement 7.) - A Colorado County grand jury returned a true bill of indictment on December 19, 2024. (DPS Supplement 9.) - The matter ultimately resolved in deferred-adjudication community supervision.

DPS produced this complete file to me, in redacted form, without requesting an Attorney General ruling and without asserting any statutory exception. (Exhibit A.)

III. ARGUMENT

A. The Responsive Records Are Already in the Public Domain; DPS Released the Entire Criminal Investigation Without Asserting Any Exception.

A governmental body that wishes to withhold information under the Act must, within ten business days, request a decision from the Attorney General. Tex. Gov't Code § 552.301. DPS — the lead criminal-investigation agency, which held the most complete set of these records — made no such request. It produced the file. The only reasonable inference is that DPS determined the records were not confidential.

More than an inference, the manner of DPS's response confirms the point. DPS's only response to my request was a statutory cost estimate under § 552.2615 to produce the responsive records. DPS asserted no exception, claimed no confidentiality, and sought no ruling from this office. In other words, DPS was prepared to release the entire Ranger investigation to me, a member of the public, for nothing more than a copying fee; and upon processing it produced the redacted file by email on June 8, 2026. DPS thus treated these records as ordinary public information.

Having released the records to a member of the public through the public-information process, the information is in the public domain and is obtainable by any member of the public on the same terms. See Tex. Gov't Code § 552.007 (public information a governmental body makes available must be made available to any person). CCSO now asks this office to declare categorically confidential the very same records that its co-investigating agency was prepared to release to any member of the public. Those two positions cannot both be correct, and DPS's — backed by the agency that built the case — is the one consistent with the Act.

This is fatal to CCSO's § 552.101 common-law-privacy theory. Common-law privacy protects only information that (a) contains highly intimate or embarrassing facts the release of which would be highly objectionable to a reasonable person, AND (b) is not of legitimate concern to the public. Indus. Found. v. Tex. Indus. Accident Bd., 540 S.W.2d 668, 685 (Tex. 1976). Implicit in that standard, and in this office's consistent application of it, is that the information must still be private — information already in the public domain is not protected, because there is no privacy interest left to protect. The substance of this investigation is now public. CCSO cannot re-confidentialize what a sister agency has already lawfully released to the public.

It bears emphasis that the conduct documented here is the official, on-duty conduct of a sworn peace officer toward a person in his custody, resulting in felony prosecution. There is no more legitimate subject of public concern. The second Industrial Foundation element is not satisfied as to that conduct.

B. CCSO's Sole Basis for Withholding Entire Documents — "Inextricable Intertwining" Under ORD 393 — Is Factually Refuted by the DPS Redaction.

CCSO's entirety-withholding position rests on Open Records Decision No. 393 (1983), which permitted a governmental body to withhold an entire report where victim-identifying information was so "inextricably intertwined" with releasable information that redaction was not feasible. That rationale is a factual predicate, not a categorical rule — and here the predicate is demonstrably false.

DPS redacted the victim's identifying information and released the substance of the same investigation. (Exhibit A.) The records are not merely severable in theory; they have already been severed and released in practice. CCSO cannot credibly represent to this office that victim-identifying information cannot be separated from the responsive records when the agency that built the case did exactly that. ORD 393 does not authorize withholding where redaction is feasible, and the DPS production is conclusive proof that it is.

C. Records Contained in Public Court Records Are Not Excepted From Disclosure.

Section 552.022(a)(17) provides that information "contained in a public court record" is public information that is not excepted from required disclosure unless it is expressly confidential under other law. The arrest complaint and warrant (filed in the Justice Court), the indictment (returned December 19, 2024), and the judgment and order of deferred adjudication are public court records. Information contained in those records cannot be withheld under any discretionary exception, including § 552.108. To the extent CCSO holds copies of court-filed records, § 552.022(a)(17) requires their release.

I recognize that under In re City of Georgetown, 53 S.W.3d 328 (Tex. 2001), "other law" within § 552.022 can include certain confidentiality protections. But that principle does not rescue CCSO here: the only "other law" CCSO invokes is common-law privacy, and as shown in Part III.A, that protection has been extinguished as to this material because the information is already in the public domain.

D. The Investigation Resulted in Deferred Adjudication, Which Removes It From the Law-Enforcement Exception.

To the extent CCSO relies, or may rely, on § 552.108, that reliance fails by the statute's plain text. Sections 552.108(a)(2) and 552.108(b)(2) provide that the law-enforcement and internal-records exceptions do NOT apply to records of an investigation that concluded in a result other than conviction or deferred adjudication — and, conversely, this office and the courts have recognized that the exception is unavailable where the matter is complete and no longer pending. This prosecution is closed; it resulted in deferred adjudication; the investigation cannot be shielded as an active law-enforcement matter. Release cannot interfere with the detection, investigation, or prosecution of crime in a matter that has concluded.

E. CCSO Cannot Piggyback on OR2026-014529.

OR2026-014529 is an informal letter ruling issued to a different requestor on a different request, before DPS released the investigative file to the public. It does not bind the analysis here for at least three reasons. First, it predates and does not account for the dispositive fact of DPS's public release and the resulting operation of § 552.007. Second, its holding was expressly conditioned on the requestor not being the authorized representative of the victim and turned on victim-privacy concerns that are now moot for the substance of the file, the victim-identifying information having been (and remaining) redactable and redacted. Third, a prior informal ruling to a separate requestor is not a "previous determination" that authorizes CCSO to withhold without independent analysis of the current facts — and the current facts are materially different.

F. The Remaining Exceptions Are Redaction-Only and Do Not Justify Withholding Entire Documents; Requestor Concedes Victim-Identity Redaction.

Sections 552.1175, 552.130, and 552.147 authorize redaction of specific data elements — a peace officer's protected personal information where the officer has elected confidentiality and the information is held in a non-employment capacity (§ 552.1175); motor-vehicle-record information (§ 552.130); and social security numbers (§ 552.147). None authorizes withholding entire documents. I do not contest the redaction of these discrete elements. I note only that § 552.1175 requires that the protected individual fall within its coverage and affirmatively elect confidentiality; it is not a blanket basis for suppression.

Finally, and to be clear: I do not seek the victim's identifying information, and I concede its confidentiality under Code of Criminal Procedure arts. 57 and 57A. The victim's name, date of birth, and direct identifiers should be redacted. That single, severable redaction is the full extent of the protection the law requires — and it is exactly the redaction DPS already performed when it released the same records to the public.

To demonstrate that this protection will be honored in practice, I attach as Exhibit B the redacted version of the records as I intend to make them available to the public, with the victim's identifying

information removed. Exhibits A and B together establish that the substance of the file is releasable and that the only legitimate privacy interest — the victim's identity — is and will remain protected.

IV. CONCLUSION AND REQUESTED RULING

The Colorado County Sheriff's Office asks this office to declare confidential, in their entirety, records that a sister governmental body has already released to the public in redacted form, without asserting any exception. The law does not permit that result. I respectfully request that the Attorney General rule that:

1. CCSO must release the responsive records in Items 1 through 7, subject only to redaction of the victim's identifying information under arts. 57 and 57A and of the discrete data elements protected by §§ 552.1175, 552.130, and 552.147;

2. Section 552.101 common-law privacy does not authorize withholding the substance of these records, which is already in the public domain by operation of § 552.007; and

3. Any record contained in a public court record be released pursuant to
§ 552.022(a)(17).

Thank you for your consideration.

EXHIBITS

Exhibit A — Texas DPS / Texas Ranger investigative file, DPS Case No. 2024-0771627, as produced to Requestor (Initial Report and Supplements 1–9), in the redacted form released by DPS without an Attorney General ruling.

Exhibit B — Redacted version of the records as Requestor intends to make them available to the public, with the victim's identifying information removed (arts. 57, 57A).

Exhibit C — CCSO counsel's ten-day letter to Requestor, dated June 9, 2026.

Exhibit D — CCSO counsel's ten-day letter to the Office of the Attorney General requesting a ruling, dated June 9, 2026.

Exhibit E — CCSO counsel's fifteen-day letter and submission dated June 17, 2026, including the discussion of claimed exceptions.

Respectfully submitted,

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