

D-1-GN-26-001084

CAUSE NO. _____

CITY OF DENTON

Plaintiff,

v.

KEN PAXTON, ATTORNEY GENERAL
OF TEXAS,

Defendant.

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IN THE DISTRICT COURT

98TH, DISTRICT COURT

____ JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

**PLAINTIFF CITY OF DENTON’S ORIGINAL VERIFIED PETITION FOR
DECLARATORY RELIEF AND APPLICATION FOR TEMPORARY RESTRAINING
ORDER, TEMPORARY INJUNCTION, AND PERMANENT INJUNCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, the City of Denton, Texas (the “City” or “Plaintiff”), in the above-styled action and files this Original Verified Petition for Declaratory Relief and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction against Defendant, Ken Paxton, Attorney General of the State of Texas (the “AG”), and sets forth the following:

I. DISCOVERY CONTROL PLAN

1. The City intends that discovery be conducted under Discovery Level 3.

II. PARTIES

2. The City is a home rule municipality located within Denton County, Texas.
3. Defendant Ken Paxton is the Attorney General of the State of Texas. The Attorney General may be served with process via U.S. Mail at P.O. Box 12548, Austin, TX 78711-2548, or by personal delivery to the William P. Clements State Office Building, 300 W. 15th Street, Austin, Texas.

III. JURISDICTION AND VENUE

4. The Court has subject matter jurisdiction over this dispute and the parties to the dispute, which arises from a dispute over the Texas Public Information Act by which the City seeks injunctive and declaratory relief on its ability to withhold the information making the basis of this suit. Tex. Gov. Code § 552.324; Tex. Civ. Prac. & Rem. Code 37.004.

5. Jurisdiction is proper as the amount in controversy is within the jurisdictional limits of this Court.

6. In accordance with Rule 47(c)(1) of the Texas Rules of Civil Procedure, the City seeks monetary relief of \$250,000 or less, excluding damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

7. The City seeks injunctive and declaratory relief after the AG incorrectly applied Section 552.108(c-1)(1) of the Texas Government Code to order the release of confidential information to requestors seeking to know the details of a fatal encounter between two private individuals in Denton, Texas.

8. Venue is proper in Travis County pursuant to Section 552.324 et. seq. of the Texas Government Code.

IV. NOTICE UNDER SECTION 552.325 OF THE TEXAS GOVERNMENT CODE

9. As required by Section 552.325, the City submits that it has made a timely good faith effort to inform the requestors by certified mail or by another written method of notice that requires the return of a receipt consisting of:

(1) the existence of the suit, including the subject matter and cause number of the suit and the court in which the suit is filed;

(2) the requestor's right to intervene in the suit or to choose to not participate in the suit;

(3) the fact that the suit is against the attorney general in Travis County district court; and

(4) the address and phone number of the office of the attorney general.

Tex. Gov. Code § 552.325.

V. TIMELINE

10.

R002226	City received from Requestor on October 1, 2025	City sent to AG on October 9, 2025, via E-file
R002227 ¹	City received from Requestor on October 1, 2025	City sent to AG on October 9, 2025, via E-file
R002252	City received from Requestor on October 6, 2025	City sent to AG on October 20, 2025, via E-file
D050272	City received from Requestor on November 25, 2025	City sent to AG on December 5, 2025, via E-file
OR2026-001106 ²	City received from AG on January 21, 2026 ³	City sent Request for Clarification to AG on February 10, 2026

VI. FACTS

11. On August 29, 2025, John Doe 1 and John Doe 2 had a fatal encounter in downtown Denton in which John Doe 1 shot John Doe 2 and resulted John Doe 2's death. The Denton Police Department conducted a criminal investigation of John Doe 1 which was later presented to a grand jury which declined to charge John Doe 1 with a crime on September 30, 2025.

¹ AG Request for Extension from AG received by City on January 5, 2026

² City Request for Corrected Ruling sent to AG on February 10, 2026

³ AG ruling applies to all four requests, but R002252 is not listed in the AG ruling letter.

12. From October 1, 2025, to November 25, 2025, the City received several requests for related police records under the Texas Public Information Act (R002227-100125, R002226-100125, R002252-100625, and D050272-112525).

13. Upon receiving these requests, the City timely sent arguments to the AG requesting that all responsive information be withheld - names, contact information, and statements of John Doe(s), the John Doe(s)' families, survivors of John Doe 2, all witnesses, and the police investigative records – which are confidential because the subsequent investigation did not result in deferred adjudication or conviction. Tex. Gov't Code § 552.108(a)(2) (information that deals with the detection, investigation, or prosecution of a crime is excepted from disclosure if “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”). (Exhibit A.)

14. The City also argued that under Section 552.101 (common law privacy) that the information was “highly intimate or embarrassing” and “is not of legitimate concern to the public[,]”(Exhibit A.)

15. The City also argued that under Section 552.1085(c) (sensitive crime scene images) the information contained sensitive crime scene images in a closed criminal case that depicts the deceased person.

16. Ultimately, the AG ruled the records must be released to the requestors under Section 552.108(c-1)(1) because the records in question “described or depicted” a person who is deceased pursuant to Tex. Gov't Code § 552.108(c-1), with very few redactions allowed for privacy interests, dates of birth, driver's license numbers, and email addresses of members of the public, and that the records cannot be withheld pursuant to Section 552.1085(c). (Exhibit B.)

VII. ANALYSIS

A. Section 552.108(c-1) is inapplicable; all responsive information for records of “innocent suspects” is confidential and must be withheld pursuant to 552.108(a)(2).

1. Section 552.108(a)(2) applies to “innocent suspects” and the AG misinterprets Section 552.108(c-1) to apply to deceased victims.

17. Information held by a law enforcement agency that deals with the detection, investigation, or prosecution of crime is excepted from public disclosure if the information deals with “the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.” Tex. Gov’t Code § 552.108(a)(2). “The exception to disclosure provided by Subsection (a)(2) does not apply to information, records, or notations if:

- (1) a person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated; or
- (2) each person who is described by or depicted in the information, record, or notation, other than a person who is deceased or incapacitated, consents to the release of the information, record, or notation.”

Tex. Gov’t Code § 552.108(c-1). The AG’s interpretation and application of Section 552.108(c-1)(1) to require the release of all records when *any* person in the records is deceased, without distinguishing between “innocent suspects” uncharged with a crime and “dead suspects”, ignores the limited class of individuals addressed by Tex. Gov’t Code § 552.108(a)(2). Section 552.108(a)(2) “was intended to protect the innocent suspect who is investigated for a crime but never convicted or is acquitted at trial.”⁴ Section 552.108(c-1) sought to prevent Section 552.108(a)(2) from withholding records from

⁴ See Tex. H.B. 30, 88th Leg. R.S. 2023 “Bill Stages” TEXAS LEGISLATURE ONLINE, <https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=88R&Bill=HB30>. See Bill Analysis <https://capitol.texas.gov/tlodocs/88R/analysis/pdf/HB00030H.pdf#navpanes=0> (“Several decades ago, the Texas Legislature created an exception to the public availability requirement under state public information law for information related to criminal cases that did not result in a conviction or deferred adjudication. This was a measure

the public in cases where the suspect dies before an investigation or prosecution effort can be completed. *Id.* In effect, Section 552.108(c-1) is an exception to the Section 552.108(a)(2) exception which only addresses suspects. When Section 552.108(c-1) refers to “a person who is described or depicted” in the Section 552.108(a)(2) record, it is necessarily only addressing criminal suspects, not victims. By interpreting Section 552.108(c-1) to apply to deceased victims, the AG is improperly expanding the limited exception in Section 552.108(a)(2), which only applies to suspects.

18. John Doe 1 was investigated as a criminal suspect in the shooting of John Doe 2. John Doe 1 was ultimately not charged with a crime. The exception to public disclosure of records in Tex. Gov't Code § 552.108(a)(2) applies to the requested records because John Doe 1 was not charged with a crime and remains an “innocent suspect.” Because John Doe 1 is still alive, and the deceased John Doe 2 was a victim, the Section 552.108(c-1) exception does require the requested records to be released.

2. The AG’s opinion renders Section 552.108(c-1)(2) meaningless.

19. The AG’s application of Section 552.108(c-1)(1) to scenarios where the deceased is a victim, rather than a suspect, yields absurd results because it presents a situation in which Section 552.108(c-1)(2) is never applicable and rendered meaningless. *Regulatory Servs. v. Mega Child Care, Inc.*, 145 S.W.3d 170, 177 (Tex. 2004) (noting that when statutory text is unambiguous, courts must adopt the interpretation supported by the statute's plain language unless that interpretation would lead to absurd results). If the Legislature intended for Section 552.108(c-1)(1) to be the end-all-be-all when any person in the record is deceased, then Section 552.108(c-1)(2) would not have been enacted. *Id.* In the AG’s ruling, and several other rulings regarding Section 552.108(c-1)(1), the AG consistently

intended to protect innocent targets of investigations but has been increasingly used as a loophole in "dead suspects" cases such as police shootings and in-custody deaths which cannot by definition result in a disposition in court. C.S.H.B. 30 seeks to close this "dead suspects" loophole”)

stops its rendition of the law prior to reaching Section 552.108(c-1)(2). *In fact, the City was unable to find any opinions in which the AG applied Section 552.108(c-1)(2).* If all records containing either a victim or suspect that is deceased must be released to the public, when would the consent provision of 552.108(c-1)(2) ever be applicable? An interpretation that renders Section 552.108(c-1)(2) meaningless is contrary to the statutory construction principles providing that (1) all of the statute is intended to be effective, (2) a just and reasonable result is intended, and (3) a result feasible of execution is intended. Tex. Gov. Code § 311.021(2-4). As stated above, distinguishing between deceased victims and deceased suspects gives meaning to the entire law and protects presumed innocent suspects from having investigative records released without their consent pursuant to Section 552.108(c-1)(2).

3. Section 552.108(c-1)(2) is applicable.

20. Section 552.108(c-1)(2) begins with an “or”. This Section appears to attempt to make a distinction for any instance in which a suspect is alive, or when a person is deceased but all others, such as witnesses or actors, have consented to the release. As intended by the Legislature, should this Court find that Section 552.108(c-1)(2) is applicable, then prior to release the City would need to obtain the consent of “each person who is described by or depicted in the information”. This would mean the City would need to obtain the consent of John Doe 1 who fired the weapon, and any other individual who is described by or depicted in the information. Those other individuals who are described by or depicted in the information would include other individuals who were present at the time of the shooting, one of whom is a minor. (Exhibit A.) An argument could also be made that individuals who provided various information during the course of the investigation were also “described” such as individuals who were the family members of John Doe 2 even though these individuals were not at the scene of the incident. The City does not

have the consent of the individuals who were involved or on the scene of the incident, and the City does not have the consent of the individuals who provided statements during the course of the investigation. Thus, the City believes the information at issue is subject to Section 552.108(c-1)(2) and must be withheld absent consent of the above noted individuals. This is the only plausible result that gives meaning to 552.108(c-1)(2).

4. Legislative history and intent

21. Texas Gov't Code Section 552.108 (c-1) was passed in response to shooting deaths of individuals in which police officers were involved, such as the shooting death of the Uvalde⁵ suspect.⁶ The legislative intent was to prevent information from being withheld regarding "dead suspects" that died in police shootings and in-custody before an investigation or prosecution effort could be completed.⁷ The legislature sought to require the public release of such records and to close what it referred to as "the dead suspect loophole". *Id.*

22. If the suspect is alive, as in this instance, and no conviction or deferred adjudication was rendered, the AG's ruling misinterprets the intent of Section 552.108 (c-1) and requires the suspect's information still be released. The "dead suspect loophole" should not apply to living suspects. The AG's ruling conflicts with the history, intent, and circumstances of Section 552.108 (c-1)'s enactment.

⁵ [A year after Uvalde, bill closing 'dead suspect loophole' going to governor | KXAN Austin](#)

⁶ Tex. Gov't Code Ann. § 311.023 (in construing statutes, courts may consider "(1) object sought to be attained; (2) circumstances under which the statute was enacted; (3) legislative history; (4) common law or former statutory provisions, including laws on the same or similar subjects; (5) consequences of a particular construction; (6) administrative construction of the statute; and (7) title (caption), preamble, and emergency provision.")

⁷ See Tex. H.B. 30, 88th Leg. R.S. 2023 "Bill Stages" TEXAS LEGISLATURE ONLINE, <https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=88R&Bill=HB30>. See Bill Analysis <https://capitol.texas.gov/tlodocs/88R/analysis/pdf/HB00030H.pdf#navpanes=0> ("Several decades ago, the Texas Legislature created an exception to the public availability requirement under state public information law for information related to criminal cases that did not result in a conviction or deferred adjudication. This was a measure intended to protect innocent targets of investigations but has been increasingly used as a loophole in "dead suspects" cases such as police shootings and in-custody deaths which cannot by definition result in a disposition in court. C.S.H.B. 30 seeks to close this "dead suspects" loophole")

VIII. REQUEST FOR DECLARATORY JUDGEMENT

23. The City incorporates the foregoing paragraphs as if fully set forth herein.

24. The City requests that the Court issue declaratory judgment stating that (1) Section 552.108(a)(2) and Section 552.108(c-1)(2) apply to the instant facts, (2) that Section 552.108(c-1)(1) only applies in scenarios where there is a dead suspect, not a victim, to provide meaning to the statute as the Legislature intended, and (3) the information at issue is excepted from disclosure as it is confidential.

IX. APPLICATION FOR TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTION, AND PERMANENT INJUNCTION

25. The City incorporates the foregoing paragraphs as if fully set forth herein.

26. The City seeks a temporary restraining order (“TRO”), followed by a temporary injunction, to enjoin the Attorney General from requiring the City to release the information at issue to the requestors.

27. The purpose of a TRO is to preserve the “status quo,” which the Texas Supreme Court has defined as “the last, actual, peaceable, non-contested status which preceded the pending controversy.” *In re Newton*, 146 S.W.3d 648, 651 (Tex. 2004); *Cannan v. Green Oaks Apts., Ltd.*, 758 S.W.2d 753, 755 (Tex. 1988). Once issued, a TRO preserves the status quo until a preliminary hearing can be held on an application for a temporary injunction. *Cannan*, 758 S.W.2d at 755 (Tex. 1988).

28. The purpose of a temporary injunction is to preserve the status quo of the subject matter of the litigation pending adjudication on the merits of the case. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). To obtain a temporary injunction, “the applicant must plead and prove three specific elements: (1) a cause of action against the defendant; (2) a probable right to

the relief sought; and (3) a probable, imminent, and irreparably injury in the interim.” *Id.* At the hearing, the applicant must put forth some evidence that tends to show a probable right of recovery. *Intercontinental Terminals Co., LLC v. Vopak N. Am., Inc.*, 354 S.W.3d 887, 897 (Tex. App.—Houston [1st Dist.] 2011, no pet.). “[T]he applicant is not required to establish that it will prevail on final trial.” *Texas Kidney, Inc. v. ASD Specialty Healthcare*, No. 14-13-01106-CV, 2014 WL 3002425, at *2 (Tex. App.—Houston [14th Dist.] July 1, 2014, no pet.); *Walling v. Metcalfe*, 863 S.W.2d 56, 58 (Tex. 1993).

29. The City seeks this injunctive relief to preserve the status quo, which is the continued confidentiality of the information at issue. The City has no other adequate remedy at law. Money damages cannot adequately compensate the City for the public release the information at issue.

30. The City requests that the Court set a date and time for hearing its requests for a TRO and temporary injunction. The City is willing to post a bond, if ordered to do so by the Court, but requests that no bond be required because the AG is acting in a governmental capacity, have no pecuniary interest in the suit, and no monetary damages can be shown. Tex. R. Civ. P. 684.

31. The City further requests that, following adjudication on the merits, the Court enter a permanent injunction prohibiting Defendants from requiring the City to release the information at issue to the requestors.

X. PRAYER

32. The City seeks the following relief:

- Declaratory relief (1) applying Section 552.108(a)(2) and Section 552.108(c-1)(2) to the instant facts, (2) stating that Section 552.108(c-1)(1) only applies

in scenarios where there is a dead suspect, not a dead victim, and (3) stating that the information at issue is excepted from disclosure and is confidential.

- A TRO, temporary injunction, and permanent injunction enjoining the AG from forcing the City to release the information at issue.
- A permanent injunction ordering the AG to rescind and amend its opinion requiring the disclosure of the information at issue.
- All other relief as the Court deems equitable and just.

RESPECTFULLY SUBMITTED,

/s/ Devin Q. Alexander

DEVIN Q. ALEXANDER

Denton City Attorney's Office

215 East McKinney

Denton, Texas 76201

(940) 349-8333

(940) 382-7923 Facsimile

For email contact and service regarding this case, please include email addresses for all listed attorneys in the To: field, and include amy.hoffee@cityofdenton.com in the Cc: field, until requested otherwise.

Mack Reinwand

City Attorney

State Bar No. 24056195

Email: mack.reinwand@cityofdenton.com

Devin Alexander

Deputy City Attorney

State Bar No. 24104554

Email: devin.alexander@cityofdenton.com

ATTORNEYS FOR PLAINTIFF

CITY OF DENTON, TEXAS

CAUSE NO. _____

CITY OF DENTON

Plaintiff,

v.

KEN PAXTON, ATTORNEY GENERAL
OF TEXAS,

Defendant.

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IN THE DISTRICT COURT

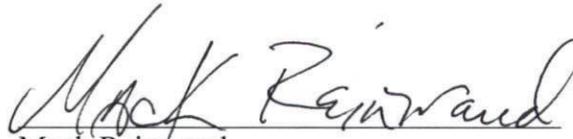
____ JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

DECLARATION OF MACK REINWAND

My name is Mack Reinwand I am over eighteen years of age, am of sound mind, and am capable of making this declaration. I am the City Attorney for the City of Denton.

I have read the above Original Verified Petition for Declaratory Relief and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction. I verify that the facts stated therein are within my personal knowledge and are true and correct.


Mack Reinwand

SUBSCRIBED AND SWORN TO BEFORE ME on this day, February 18, 2026, to certify which witness my hand and official seal.


NOTARY PUBLIC IN AND FOR THE STATE OF
TEXAS

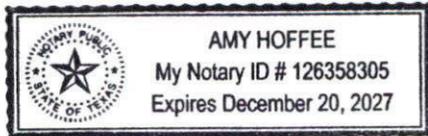


EXHIBIT A



October 9, 2025

The Honorable Ken Paxton
Texas Attorney General
c/o Open Records Division-014
P.O. Box 12548
Austin, Texas 78711

ELECTRONICALLY E-FILED

**RE: Public Information Request received on October 1, 2025, by Brooke Colombo
(PIR# R002226-100125)**

Dear Attorney General Paxton:

The City of Denton ("City") received the above public information request submitted on October 1, 2025, by Brooke Colombo. The City believes the information at issue is excepted from required public disclosure under sections 552.101 through 552.160 of the Government Code. This letter is a request for a determination under sections 552.101 and 552.108, and all other applicable sections of the Government Code that the information at issue is so excepted. These are the City's arguments against the release of the information at issue. Included are the labeled copies of the information to which the exceptions apply as required under Section 552.301(e) of the Texas Government Code and the Public Information Act. The City is notifying the requestor by copy of this letter, that it has provided information for a decision from the Office of the Attorney General.

I. Factual Background

The following is background information concerning this public information request. The requestor, Brooke Colombo, is seeking: "Incident Report." Basic information as defined by the *Houston Chronicle*¹ case was not provided to the requestor to protect the privacy of the individual to whom the information relates under section 552.101 of the Government Code in conjunction with common-law privacy. The City has enclosed exhibits for your review. Exhibit A is the request for information. Exhibit B is the Incident Report 25133789 with regards to Murder.

II. Applicable Law and Arguments

§552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. Generally, only highly intimate information that implies the privacy of an individual is withheld. Exhibit B has in the narrative the [REDACTED]

¹ *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.-Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 216 (1978).

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[REDACTED]

[REDACTED]

[REDACTED]. To protect the privacy of the subject individual, to whom the information relates, we request that this information be withheld in its entirety under section 552.101 of the Government Code in conjunction with common-law privacy, to include basic information. Additionally, the release of this information in this situation would be highly objectionable to a reasonable person and not of legitimate concern to the public. The highlighted information above is redacted from the requestor's copy.

§552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Exhibit B contains information that dealt with Murder. The investigation in this report [REDACTED]

[REDACTED]. The incident did not result in a conviction or deferred adjudication. Therefore, the information in Exhibit B should be excepted from disclosure. The highlighted information above is redacted from the requestor's copy.

If you have any questions do not hesitate to contact me at (940) 349-8333.

Sincerely,



Hilary McMahon
Deputy City Attorney

Enclosures: Exhibit A – R002226-100125
Exhibit B – Incident Report 25133789

cc: Terry Shaw, Denton PD Records, (w/o enclosures)
Brooke Colombo (w/o enclosures)
Via Email: bcolombo@dentonrc.com



October 20, 2025

The Honorable Ken Paxton
Texas Attorney General
c/o Open Records Division-014
P.O. Box 12548
Austin, Texas 78711

U.S. MAIL

**RE: Public Information Request received on October 6, 2025, by Brooke Colombo
(PIR# R002252-100625)**

Dear Attorney General Paxton:

The City of Denton ("City") received the above public information request submitted on October 6, 2025, by Brooke Colombo. The City believes the information at issue is excepted from required public disclosure. This letter is a request for a determination under sections 552.108 and 552.1085 and all other applicable sections of the Government Code that the information at issue is so excepted. This request for an opinion from your office is being sent within 10 business days of the receipt of said request for records. A copy of the request and labeled responsive information, as required under §552.301(e) of the Texas Government Code and the Public Information Act, are enclosed. The City is notifying the requestor by copy of this letter, that it has provided information for a decision from the Office of the Attorney General. **The City could not provide the requested video(s) through the designated electronic filing system, so, the City is providing via United States Postal Service to the Attorney General for an opinion. The City is establishing that an exclusion applies to this request, in that the only requested information is Body Worn Camera video(s).**

I. Factual Background

This same requestor made a request regarding this same incident on October 1, 2025, our file number R002226-100125, but in that request, the requestor only requested the incident report. We sent you our 10–15-day letter dated October 9, 2025.

The following is background information concerning this public information request. The requestor, Brooke Columbo, is seeking: "In regards to incident # 25133789, I am requesting all officer body worn camera footage captured on Aug. 9, 2025, starting at or after about 12:10 p.m. The footage I am requesting was captured in the 100 block of West Hickory Street and 200 block of West Hickory Street in Denton, Texas. The footage I am requesting includes, but is not limited to, a subject named Jon Robert Ruff." The City has enclosed exhibits for your review. Exhibit A is the request for information. Exhibit B are representative samples of Police Body Worn Camera footage from Incident Report 25133789 with regards to Murder.

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II. Applicable Law and Arguments

§552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Exhibit B contains information that dealt with Murder. The investigation in this report [REDACTED]

[REDACTED] The incident did not result in a conviction or deferred adjudication. Therefore, the information in Exhibit B should be excepted from disclosure. The highlighted information above is redacted from the requestor's copy.

§552.1085 of the Government Code excepts from disclosure sensitive crime scene images. There are no cases or formal opinions interpreting section 552.1085. "Sensitive crime scene image" means a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person. In this matter, the criminal case is closed. Without the authorization of the next of kin, the Police Body Worn Camera footage which contains images of the deceased, should not be disclosed. It is our understanding that the deceased was homeless and his next of kin has not been determined; therefore, there is no means of obtaining consent to release the video recordings from the decedent's next of kin. Additionally, although Brooke Columbo, the requestor, is known to the City to be a reporter for the local newspaper, the requestor has not established that the request is related to an "expressive work" as defined by §552.1085(a)(3). Therefore, the video recording should not be released under §552.1085(d)(4).

If you have any questions do not hesitate to contact me at (940) 349-8333.

Sincerely,



Hilary McMahon
Deputy City Attorney

Enclosures: Exhibit A – R002252-100625 Request
Exhibit B – Representative sample of the Police Body
Worn Camera footage from Incident Report 25133789

cc: Terry Shaw, Denton PD Records, (w/o enclosures)
Brooke Colombo (w/o enclosures)
Via Email: bcolumbo@dentonrc.com



December 5, 2025

The Honorable Ken Paxton
Texas Attorney General
c/o Open Records Division-014
P.O. Box 12548
Austin, Texas 78711

ELECTRONICALLY E-FILED

**RE: Public Information Request received on November 25, 2025, by Neil Durrance
(PIR# D050272-112525)**

Dear Attorney General Paxton:

The City of Denton ("City") received the above public information request submitted on November 25, 2025, by Neil Durrance. The City believes the information at issue is excepted from required public disclosure. This letter is a request for a determination under sections 552.101 and 552.108, and all other applicable sections of the Government Code that the information at issue is so excepted. This request for an opinion from your office is being sent within 10 business days of the receipt of said request for records. A copy of the request and labeled responsive information, as required under §552.301(e) of the Texas Government Code and the Public Information Act, are enclosed. The City is notifying the requestor by copy of this letter, that it has provided information for a decision from the Office of the Attorney General. Please be advised that our offices were closed on Thursday, November 27, 2025, and Friday, November 28, 2025, in observance of the Thanksgiving holidays.

I. Factual Background

The following is background information concerning this public information request. The requestor, Neil Durrance, is seeking: "A nonstandard copy of any and all documents or records of investigation of the death of Jon Ruff by the City of Denton by Department of the City of Denton." Basic information as defined by the *Houston Chronicle*¹ case was not provided to the requestor to protect the privacy of the individual to whom the information relates under section 552.101 of the Government Code in conjunction with common-law privacy. The City has enclosed exhibits for your review. Exhibit A is the request for information. Exhibit B is the Incident Report 25133789 with regards to Murder.

II. Applicable Law and Arguments

¹ *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.-Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 216 (1978).

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§552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. Generally, only highly intimate information that implies the privacy of an individual is withheld. Exhibit B has in the narrative the [REDACTED]

[REDACTED] To protect the privacy of the subject individual, to whom the information relates, we request that this information be withheld in its entirety under section 552.101 of the Government Code in conjunction with common-law privacy, to include basic information. Additionally, the release of this information in this situation would be highly objectionable to a reasonable person and not of legitimate concern to the public. The highlighted information above is redacted from the requestor's copy.

§552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Exhibit B contains information that dealt with Murder. The investigation in this report [REDACTED]

[REDACTED]. The incident did not result in a conviction or deferred adjudication. Therefore, the information in Exhibit B should be excepted from disclosure along with any other information in this case. The highlighted information above is redacted from the requestor's copy.

If you have any questions do not hesitate to contact me at (940) 349-8333.

Sincerely,



Hilary McMahon
Deputy City Attorney

Enclosures: Exhibit A – D050272-112525 Request
Exhibit B – Incident Report 25133789

cc: Terry Shaw, Denton PD Records, (w/o enclosures)
Neil Durrance (w/o enclosures)
Via Email: la3@durrancelaw.com



October 9, 2025

The Honorable Ken Paxton
Texas Attorney General
c/o Open Records Division-014
P.O. Box 12548
Austin, Texas 78711

ELECTRONICALLY E-FILED

**RE: Public Information Request received on October 1, 2025, by Cameron Smith
(PIR# R002227-100125)**

Dear Attorney General Paxton:

The City of Denton ("City") received the above public information request submitted on October 1, 2025, by Cameron Smith. The City believes the information at issue is excepted from required public disclosure under sections 552.101 through 552.160 of the Government Code. This letter is a request for a determination under sections 552.101 and 552.108, and all other applicable sections of the Government Code that the information at issue is so excepted. These are the City's arguments against the release of the information at issue. Included are the labeled copies of the information to which the exceptions apply as required under Section 552.301(e) of the Texas Government Code and the Public Information Act. The City is notifying the requestor by copy of this letter, that it has provided information for a decision from the Office of the Attorney General.

I. Factual Background

The following is background information concerning this public information request. The requestor, Cameron Smith, is seeking: "As a follow up to our story on the vigil for Jon Ruff, we'd like to review all information DPD has regarding the shooting. That includes any interviews, footage, arrest records, and detailed descriptions of the incident in an effort to fully understand what led to the shooting. If there is any non-confidential information that is not pertinent to the story, we won't disclose it." Basic information as defined by the *Houston Chronicle*¹ case was not provided to the requester to protect the privacy of the individual to whom the information relates under section 552.101 of the Government Code in conjunction with common-law privacy. The City has enclosed exhibits for your review. Exhibit A is the request for information. Exhibit B is the Incident Report 25133789 with regards to Murder. Exhibit B is also a representative sample of the requested "footage," Police Body Worn Camera footage.

The requestor has included in the request the Police body worn camera recordings. This request is subject to Tex. Code Crim. Proc. Art. 2B.01 12(a)-(b), which provides the procedures a requestor

¹ *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.-Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 216 (1978).

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must follow when seeking a body worn camera recording. This requestor has not complied with this Code; does not provide the requisite information under Art. 2B.0112(a), and therefore the Denton Police Body Worn Camera footage should not be subject to release and excepted from disclosure. Pursuant to Art. 2B.0112(b), a failure to provide all the information required by subsection (a) to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.

II. Applicable Law and Arguments

§552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. Generally, only highly intimate information that implies the privacy of an individual is withheld. Exhibit B has in the narrative the [REDACTED]

[REDACTED]. To protect the privacy of the subject individual, to whom the information relates, we request that this information be withheld in its entirety under section 552.101 of the Government Code in conjunction with common-law privacy, to include basic information. Additionally, the release of this information in this situation would be highly objectionable to a reasonable person and not of legitimate concern to the public. The highlighted information above is redacted from the requestor's copy.

§552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Exhibit B contains information that dealt with Murder. The investigation in this report [REDACTED]

[REDACTED]. The incident did not result in a conviction or deferred adjudication. Therefore, the information in Exhibit B should be excepted from disclosure. The highlighted information above is redacted from the requestor's copy.

Honorable Ken Paxton
October 9, 2025
Page 3

If you have any questions do not hesitate to contact me at (940) 349-8333.

Sincerely,

A handwritten signature in blue ink that reads "Hilary McMahon". The signature is written in a cursive style with a large initial "H".

Hilary McMahon
Deputy City Attorney

Enclosures: Exhibit A – R002227-100125 Request
Exhibit B – Incident Report 25133789 and representative sample of the Police Body
Worn Camera footage

cc: Terry Shaw, Denton PD Records, (w/o enclosures)
Cameron Smith (w/o enclosures)
Via Email: canjsfilms@gmail.com ²

² Currently, this email of the requestor seems to be invalid. If it remains like this, we always publish your ruling on our portal so that the requestor can see it there as well.

EXHIBIT B



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 14, 2026

Ms. Hilary McMahon
Deputy City Attorney
City of Denton
215 East McKinney
Denton, Texas 76201

OR2026-001106

Dear Ms. McMahon:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 25-046359 (R002227, R002226, and D050272).

The City of Denton (the "city") received three requests from different requestors for information pertaining to a specified incident. The city claims the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.1085 of the Government Code. We have considered the claimed exceptions and reviewed the submitted information.

The submitted information includes body worn camera recordings of city police officers. Body worn cameras are subject to chapter 2B of the Code of Criminal Procedure. Chapter 2B provides the procedures a requestor must follow when seeking a body worn camera recording. Article 2B.0112(a) provides the following:

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:

- (1) the date and approximate time of the recording;
- (2) the specific location where the recording occurred; and
- (3) the name of one or more persons known to be a subject of the recording.

Crim. Proc. Code art. 2B.0112(a). Two of the requestors do not give the requisite information under article 2B.0112(a). As these requestors did not properly request the body worn camera recordings at issue pursuant to chapter 2B, our ruling does not reach this information and the city is not required to release them to those requestors. However, pursuant to article 2B.0112(b), a “[f]ailure to provide all the information required by [subarticle] (a) to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.” *Id.* art. 2B.0112(b). However, the remaining requestor did give the requisite information under article 2B.0112(a). Therefore, we will address the city’s arguments to withhold the recordings from that requestor.

Section 552.108(a)(2) of the Government Code exempts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* Gov’t Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). Nonetheless, section 552.108(c-1) provides,

(c-1) The exception to disclosure provided by Subsection (a)(2) does not apply to information, records, or notations if:

(1) a person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated[.]

Gov’t Code § 552.108(c-1)(1). The city seeks to withhold the submitted information under section 552.108(a)(2). However, the submitted information describes or depicts a person other than a peace officer who is deceased. *See id.* Accordingly, we find the submitted information is not subject to section 552.108(a)(2) and the city may not withhold it on that basis.

Section 552.101 of the Government Code exempts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This section encompasses section 411.192 of the Government Code, which provides, in relevant part, as follows:

(a) [DPS] shall disclose to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in a specified list is licensed under this subchapter. Information on an individual subject to disclosure under this section includes the individual’s name, date of birth, gender, race, zip code, telephone number, e-mail address, and Internet website address. Except as otherwise provided by this section and by Section 411.193, all other records maintained under this subchapter are confidential and are not subject to mandatory disclosure under the [Act].

(b) An applicant or license holder may be furnished a copy of disclosable records regarding the applicant or license holder on request and the payment of a reasonable fee.

Gov't Code § 411.192(a)-(b). The information at issue contains concealed handgun license information that the city appears to have obtained from the Department of Public Safety, which we have marked. Therefore, the city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 411.192(a) of the Government Code.

Section 552.101 of the Government Code excepts also encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in the *Industrial Foundation* decision. *Id.* at 683. Additionally, this office has concluded some kinds of medical information are generally highly intimate or embarrassing. See Open Records Decision No. 455 (1987). The Third Court of Appeals has concluded public citizens' dates of birth are protected by common-law privacy pursuant to section 552.101. See *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at *3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). A compilation of an individual's criminal history is highly embarrassing information, the publication of which would be highly objectionable to a reasonable person. Cf. *U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 764 (1989) (finding significant privacy interest in compilation of individual's criminal history by recognizing distinction between public records found in courthouse files and local police stations and compiled summary of criminal history information). Furthermore, we find a compilation of a private citizen's criminal history is generally not of legitimate concern to the public. Nevertheless, because "the right of privacy is purely personal[.]" that right "terminates upon the death of the person whose privacy is invaded[.]" *Moore v. Charles B. Pierce Film Enters., Inc.*, 589 S.W.2d 489, 491 (Tex. Civ. App.—Texarkana 1979, writ ref'd n.r.e.); see also *Justice v. Belo Broad. Corp.*, 472 F. Supp. 145, 147 (N.D. Tex. 1979) ("action for invasion of privacy can be maintained only by a living individual whose privacy is invaded" (quoting Restatement (Second) of Torts § 6521 (1977))); Attorney General Opinions JM-229 (1984) ("the right of privacy lapses upon death"), H-917 (1976) ("We are . . . of the opinion that the Texas courts would follow the almost uniform rule of other jurisdictions that the right of privacy lapses upon death."); Open Records Decision No. 272 (1981) ("the right of privacy is personal and lapses upon death"). In addition, this office has also found the public has a legitimate public interest in the details of a crime. See Open Records Decision No. 400 at 4 (1983). See generally *Lowe v. Hearst Communications, Inc.*, 487 F.3d 246, 250 (5th Cir. 2007) (noting "legitimate public interest in facts tending to support an allegation of criminal activity" (citing *Cinel v. Connick*, 15 F.3d 1338, 1345-46 (1994))). The city must withhold the submitted dates of birth of living individuals under section 552.101 of the Government Code in conjunction with common-law privacy. We also find

some of the remaining information, which we have marked, satisfies the standard articulated by the Texas Supreme Court in the *Industrial Foundation* decision. Accordingly, the city must also withhold the information we have marked under section 552.101 of the Government Code in conjunction with common-law privacy. However, the remaining information is not confidential under common-law privacy, and the city may not withhold it under section 552.101 on that ground.

Section 552.1085(c) of the Government Code provides the following:

(c) A sensitive crime scene image in the custody of a governmental body is confidential and excepted from the requirements of Section 552.021 and a governmental body may not permit a person to view or copy the image except as provided by this section. This section applies to any sensitive crime scene image regardless of the date that the image was taken or recorded.

Gov't Code § 552.1085(c). For purposes of section 552.1085, "sensitive crime scene image" means "a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depicts the deceased person's genitalia." *See id.* § 552.1085(a)(6). Upon review, we find the city has not established the remaining information is confidential under section 552.1085. Therefore, the city may not withhold any of the remaining information on that ground.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release.¹ *See* Gov't Code § 552.130. The city must withhold the submitted driver's license number and issuing state under section 552.130 of the Government Code.

Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). *See* Gov't Code § 552.137(a)-(c). The remaining information contains e-mail addresses of members of the public that do not appear to be of a type specifically excluded by section 552.137(c), and the city does not inform us a member of the public has affirmatively consented to their release. Therefore, the city must withhold the submitted e-mail addresses of members of the public under section 552.137 of the Government Code.

In summary, because some of the requestor did not properly request the submitted body worn camera recordings pursuant to chapter 2B of the Code of Criminal Procedure, our ruling does not reach the body worn camera recordings at issue and the city is not required

¹ The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body. *See* Open Records Decision Nos. 481 at 2 (1987), 480 at 5 (1987).

to release them to those requestors. The city must withhold the following: (1) the information we have marked under section 552.101 of the Government Code in conjunction with section 411.192(a) of the Government Code; (2) the submitted dates of birth of living individuals and the information we have marked under section 552.101 of the Government Code in conjunction with common-law privacy; (3) the submitted driver's license number and issuing state under section 552.130 of the Government Code; and (4) the submitted e-mail addresses of members of the public under section 552.137 of the Government Code. The city must release the remaining information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

~~This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.~~

Sincerely,

James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/mo

Ref: ID# 25-046359

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Amy Hoffee on behalf of Devin Alexander

Bar No. 24104554

amy.hoffee@cityofdenton.com

Envelope ID: 111420299

Filing Code Description: Petition

Filing Description: PLAINTIFF CITY OF DENTON'S ORIGINAL VERIFIED PETITION FOR DECLARATORY RELIEF AND APPLICATION FOR TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTION AND PERMANENT INJUNCTION

Status as of 2/18/2026 4:01 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Mack Reinwand		mack.reinwand@cityofdenton.com	2/18/2026 3:47:02 PM	NOT SENT
Amy Hoffee		amy.hoffee@cityofdenton.com	2/18/2026 3:47:02 PM	NOT SENT
Devin Alexander		devin.alexander@cityofdenton.com	2/18/2026 3:47:02 PM	NOT SENT