

February 17, 2026

Honorable Ken Paxton
Texas Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

Via: TPIA Electronic Filing System

Re: Public Information Act request from Brooke Colombo seeking the autopsy and toxicology report 2512905 from Tarrant County Medical Examiner's Office; Public Information Act Request CDA-2025-2529; OR-25-058701-RR

Dear General Paxton,

The undersigned counsel represents the Denton Record-Chronicle, the employer of the requestor seeking the public information at issue in the above-referenced matter. On December 3, 2025, the Tarrant County Medical Examiner's Office (TCME) received a public information request under the Texas Public Information Act (TPIA) from Brook Colombo, an employee of the Denton Record-Chronicle. The requestor seeks autopsy and toxicology reports for TCME case 2512905, which relates to criminal case 26-12691—a criminal case out of Denton County that was no-billed by a Denton County grand jury on September 30, 2025.

In response to TPIA request CDA-2025-2529, the Tarrant County District Attorney's Office (TCDA), on behalf of and as legal representative of TCME, informed the requestor, a third party, and your office that TCME seeks to withhold the requested information. Accordingly, the TCDA requested an Attorney General Opinion under Texas Government Code § 552.301(a) on December 17, 2025, arguing only that the requested information is information relating to a criminal detection, investigation, or prosecution of a crime that did not result in a conviction or deferred adjudication. The requestor submits this public comment to respond to the TCDA's arguments against disclosure of the public information at issue here.

The TPIA does not except the requested information from disclosure—it requires disclosure. Under the TPIA, governmental bodies like the TCME must make available “information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business . . . by a governmental body.” *See* TEX. GOV. CODE §§ 552.002, 552.021 (2026); *see also* *Butler v. State*, 872 S.W.2d 227, 237 (Tex. Crim. App. 1994) (“An autopsy is a report of a public office which sets forth matters observed pursuant to a duty imposed by law.”). The TCDA does not argue that the requested information is not public information subject to disclosure under the TPIA; rather, the TCDA argues that the requested information falls within one of the TPIA's exceptions to disclosure.

Specifically, the TCDA argues that Texas Government Code § 552.108(a)(2) allows the TCME to withhold the requested information. Section 552.108(a)(2) provides:

Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of a crime is excepted from the requirements of Section 552.021 if . . . it is information that deals with the detection, investigation, or prosecution of a crime only in relation to an investigation that did not result in conviction or deferred adjudication.

TEX. GOV. CODE § 552.108(a)(2) (2026). In applying the provision to criminal case number 26-12691, the TCDA argues that the grand jury’s no-bill makes the requested information subject to the provision’s shield, as the case admittedly “did not result in conviction or deferred adjudication.” *See id.*

However, the TCDA ignores a key exception to this provision. In 2023, the Texas Legislature amended Section 552.108 by adding subsection (c–1), which provides: “The exception to disclosure provided by Subsection (a)(2) *does not apply* to information, records, or notations if . . . a person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated.” TEX. GOV. CODE § 552.108(c–1) (2026) (emphasis added).

In other words, the TPIA requires governmental bodies like TCME to disclose information from investigations that do not result in a conviction or deferred adjudication, so long as that information describes or depicts a deceased or incapacitated civilian. *See id.* Here, the TPIA requires TCME to disclose the autopsy and toxicology reports from criminal case number 26-12691 because they deal with the detection, investigation, and prosecution of a crime, and the reports describe or depict a deceased civilian. *See id.*; *see also* Informal Letter Ruling No. OR2023-41645 (2023) (applying TEX. GOV. CODE § 552.108(c–1) (2026)).

Even if the Texas Attorney General finds Section 552.108(c–1) inapplicable to the requested information, the TPIA still requires TCME to release basic information about the arrested person, the arrest, and the crime. *See* TEX. GOV. CODE § 552.108(c) (2026) (“This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.”); *see also Houston Chron. Publ’g Co. v. City of Houston*, 531 S.W.2d 177, 186–88 (Tex. App.—Houston [14th Dist.] 1975, *writ ref’d n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (per curiam)).

Accordingly, the Texas Attorney General should require TCME to disclose the requested information in TPIA request CDA-2025-2529.

Thank you for your time and attention to this matter.

Respectfully,

/s/ Thomas S. Leatherbury

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