



BILLY W. BYRD
CRIMINAL DISTRICT ATTORNEY
UPSHUR COUNTY

405 N. Titus Street, Gilmer, TX 75644
903-843-5513 • FAX 903-843-3661

September 10, 2020

Jack Winters
P.O. Box 9418
Tyler, Texas 75711-9418

Sent via email and regular U.S. mail.

Dear Mr. Winters:

I am responding to your complaint received by me on or about July 29, 2020. Additionally, this will serve as a response to your open records request received today, September 10, 2020. I have one email attached as exhibit "A" that is responsive to your request. Pursuant to your Texas Public Information request, I release this to you.

In response to your formal complaint pursuant to Section 552.3215 of the Texas Government Code, I am enclosing my written communication to Chief Tim Scott. Further, this will serve as my written communication to you pursuant to Section 552.3215(g). Please note, that after receiving your complaint and prior to 31 days running, the Texas Supreme Court issued its Twenty-First Emergency Order regarding the Covid-19 State of Disaster on July 31, 2020. On that date the Supreme Court tolled any deadlines for filing or service in civil matters until September 15, 2020. Therefore, this written response is timely under the law.

If I have not received evidence of compliance by Chief Scott within four days, I will file for Declaratory Judgment or Injunctive relief pursuant to Section 552.3215.

Respectfully,

Billy W. Byrd
BWB/mt

cc: Enclosures



Jon Warren

From: Jon Warren
Sent: Wednesday, July 29, 2020 2:34 PM
To:
Subject: Open records complaint

Our office has received two complaints concerning TPIA violations against Big Sandy PD. Jack Winters, P.O. Box 9418, Tyler Texas, filed the complaint by mail and it contains documents including Attorney General Reference ID# 810941.

I spoke with chief Tim Scott and he advised the matter had been sent to you.

The DA requested that I contact you to determine the status of the information request.

One complaint is in reference to Policy and Procedures Manual and the other involves Tim Scott "employee file".

Thanks

Jon Warren
Investigator
Upshur County
Criminal District Attorney's Office



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September 10, 2020

Chief Tim Scott
Big Sandy Police Department
P.O. Box 986
Big Sandy, Texas 75755

Sent via facsimile (903) 636-5033

Dear Chief Scott:

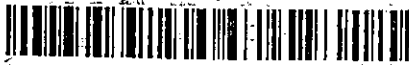
I write to inform you that a gentleman named Jack Winters has filed a formal complaint against you, for violating the Texas Public Information Act, pursuant to Section 552.3215 of that Act.

I have reviewed the complaint. If what is stated by Mr. Winters is correct, he has paid for records back in February and has not received those records. This would be a violation of the Texas Public Information Act without any exceptions claimed.


Therefore, pursuant to Texas Government Code 552.3215(j), I am providing you written notice of my determination. Pursuant to this section you will have four days of receiving my letter to cure the violation and provide the records to Mr. Winters. If you have provided the records, please provide proof of this to me prior to four days expiring. If you have provided the records or if you cure the violation within the next four days after receiving this letter and provide that proof, then no formal action will be taken pursuant to section 552.3215 noted above and the basis of the complaint filed with me.

Respectfully,

Billy W. Byrd
BWB/mt

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|---|--|--|--|
| <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>JACK WINTERS P.O. BOX 9418 TYLER, TX 75711-9418</p>  9590 9402 5596 9274 4951 73 | | <p>A. Signature x [Signature] <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) JACK WINTERS C. Date of Delivery 9/21/20</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> | |
| <p>2. Article Number (Transfer from service label)</p> <p>7011 1570 0000 9831 6782</p> | | <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> | |

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

| USPS TRACKING # | |
|---|---|
|  9590 9402 5596 9274 4951 73 | <p>NORTH TEXAS TX 750</p> <p>21 SEP 2020 PM 3 L</p> |
| <p>United States Postal Service</p> | <p>• Sender: Please print your name, address, and ZIP+4® in this box*</p> <p>BILLY W. BYRD UPSHUR COUNTY CRIMINAL DISTRICT ATTORNEY 405 N. TITUS GILMER, TEXAS 75644</p> |

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TYLER, TEXAS

SEP 21 2020

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