

The Herald

NOTE: The district attorney wanted to block an autopsy in the wrongful death of a teenager in police custody. We always respected each other but sharply disagreed on this issue. The DA went so far to get a court order to block the release of the autopsy. We went around and over his head and got a copy of the Texas Attorney's General's In-Custody Death Report, which offers fantastic details on the case. The DA and Texas Rangers cleared police of wrongdoing, but an FBI investigation and lawsuit remain pending.

Court order prevents release of autopsy report

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Valley Freedom Newspapers

February 16, 2006 — A temporary restraining order handed down by a judge this week has prevented the release of an autopsy report on a 21-year-old Harlingen man who died while in police custody.

Cameron County District Attorney Armando Villalobos has objected to the release of the report to the Valley Morning Star and The Brownsville Herald, saying he wanted to protect the integrity of the investigation.

Both newspapers had filed open records requests for the autopsy report under the Texas Public Information Act.

The restraining order prohibits the newspapers from receiving, attempting to acquire, possessing or publishing autopsy results relating to the death of Daniel Tamez.

Villalobos said that releasing the document could compromise an “unbiased, independent, outside investigation.”

State District Judge Abel Limas issued the temporary restraining order preventing the Star and The Herald from obtaining copies of the report or publishing any information from the report.

Limas ruled that a “public display” of the autopsy report could jeopardize the ability of the District Attorney’s Office to evaluate the truthfulness of witnesses.

Brian Janis, attorney for the Star and The Herald, said the newspapers would argue against the restraining order at a Feb. 28 hearing in Limas’ court.

“At this point, we understand that the governing standard of this matter is an attorney general opinion that shows there must be a hindrance to prosecution to prevent the release of the documents,” Janis said.

Villalobos said he asked for the restraining order instead of an attorney general’s opinion on the open records requests because it is a “sensitive” investigation being handled by the Texas Rangers and his office.

“The proper remedy is to seek a court order seeking a delay at this point in time,” he said. “The only way that we are able to keep an autopsy report is if it’s going to interfere with an investigation we’re conducting. On this particular case, because of the family’s allegation, our office is going to have to conduct the case.”

Daniel Rivera Tamez of Harlingen died Jan. 19 at Harlingen Medical Center, a day after his arrest on charges of evading and resisting arrest and reckless driving.

Police said preliminary medical reports indicated that he died of cardiac arrest. However, his parents have questioned whether police actions may have played a role in his death.

Villalobos said he knows autopsy reports are public record but said that the temporary restraining order was sought based on a previous attorney general’s opinion.

He said the opinion notes autopsy reports are public record but that if a governmental body wishes to withhold it, it should file for a “protective order citing your need to investigate the case.”

“It’s not something that’s been done that often,” Villalobos said.

However, in this case, Villalobos said he believes it’s a necessary step to ensure that those who are interviewed by investigators are not biased by the report’s contents.

“That way, they are going to tell us what they know themselves,” Villalobos said. “I don’t want there to be statements that the police just said what was in the autopsy report.

“This is a highly volatile situation, with people alleging police officers’ misconduct,” he said. “Our office reviews those cases.”

The Texas Rangers and the FBI are conducting ongoing, independent investigations.

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