



Written by [Michael Tennant](#) on June 5, 2023

## Former Texas Councilwoman Arrested Over Petition That Rankled Other Officials Appeals to Supreme Court

A 72-year-old Texas woman who was driven off the city council — via an arrest and other legal chicanery — after clashing with other city officials is appealing a circuit court’s unfavorable ruling to the Supreme Court.

Sylvia Gonzalez won election to the Castle Hills city council, unseating incumbent Amy McLin, and was sworn in on May 14, 2019. She then helped organize a citizens’ petition drive calling for the removal of City Manager Ryan Rapelye over Rapelye’s perceived mismanagement and alleged misconduct.



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The nonbinding petition was submitted during Gonzalez’ first city-council meeting. At the end of the contentious meeting, which was extended to a second day, Gonzalez gathered up the papers in front of her and put them in a binder.

According to Gonzalez’ [lawsuit](#), before she could leave, she was called aside to speak to McLin and another councilman, who demanded she produce her notes from the previous day’s meeting. “During this entire conversation,” the complaint points out, “[Gonzalez] was standing with her back to the dais,” where she had left her binder.

In the midst of this conversation, Gonzalez was called back to the dais to speak to Mayor Edward “JR” Trevino. When she returned to the dais, Trevino asked her where the petition was. Gonzalez had no idea, but when Trevino suggested she look in her binder, lo and behold, there it was. “You probably picked it up by mistake,” he remarked. (Reading between the lines of the lawsuit suggests other possibilities.)

After a two-month police investigation instigated by Trevino, officials decided to charge Gonzalez with a misdemeanor for tampering with a government record — a law that had never before been used in that county “to criminally charge someone for trying to steal a nonbinding or expressive document,” notes the lawsuit. Then, to ensure that Gonzalez was arrested and jailed, they obtained a warrant directly from a magistrate, bypassing the district attorney’s office. Sure enough, Gonzalez was booked and forced to spend a day in jail, with local media covering the story.

On July 9, 2019, while the above fishing expedition was in progress, City Attorney Marc Schnall told Gonzalez she was not qualified to be on the council because of a technicality in her swearing in — a ceremony Schnall had personally attended. Schnall also prevented the city council from voting on the matter as required by law. The very day that the council met, at Gonzalez’ request, to consider her removal or reinstatement, the warrant for her arrest was obtained.

The district attorney dismissed the charge against Gonzalez, and a judge granted her a temporary restraining order enjoining her removal from the council.



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Then six Castle Hill residents, three of whom had testified against Gonzalez' petition, filed a lawsuit to remove Gonzalez for incompetence and official misconduct. This tactic, too, bypassed the district attorney, who, upon learning of it, filed a motion to dismiss the case.

Having spent \$70,000 in attorneys' fees with no end in sight, Gonzalez resigned from the council and vowed to avoid any future political participation.

Then, represented by attorneys from the Institute for Justice (IJ), she filed a federal lawsuit against Castle Hill and certain of its officials in September 2020. A district court sided with her, but the Fifth Circuit Court of Appeals overturned that decision because Gonzalez could not cite another individual who was *not* arrested for doing precisely what she was accused of doing, thereby establishing that her arrest was based on animus toward her political speech.

“‘Show me the man and I will show you the crime’ is what notorious Soviet secret police leader Lavrentiy Beria once said in boasting about his ability to weaponize the law to punish government critics,” IJ senior attorney Patrick Jaicomo said in a [press release](#). “What happened to Sylvia is not far removed from that. It’s not the kind of thing that’s supposed to happen in America.”

It is now up to the Supreme Court to ensure that it doesn’t. Gonzalez has an impressive array of allies submitting amicus briefs in her favor: Everyone from the Thomas More Society to the American Civil Liberties Union seems to agree that an injustice has been done.

Whether the court will take up the case remains to be seen, but it did ask Trevino to file a reply brief by June 14.



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