

CASTLE HILLS POLICE DEPARTMENT

ORI #: TX0150300

REPORT OF INVESTIGATION

OFFENSE:

CHPD CASE NO.: 2019-06-0058
Tampering with Governmental Record
§37.10(c)(1), Penal Code
Class A Misdemeanor
TXDPS Offense Code: 73990623
Bexar County Offense Code: 480431

DEFENDANT:

Sylvia Ann Gonzalez
Female; Date of Birth: [REDACTED]
Address: [REDACTED]

DAY, DATE, TIME of OFFENSE

Wednesday, May 22, 2019 between 1546 and 1830 hours

PLACE OF OFFENSE:

City of Castle Hills City Hall
209 Lemonwood Dr.
Castle Hills, Bexar County, TX 78213

COMPLAINANT:

Edward "JR" Trevino II
Mayor, City of Castle Hills, Texas
209 Lemonwood Dr.
Castle Hills, Bexar County, TX 78213

INVESTIGATING OFFICER:

Alex Wright, Special Detective, CHPD, Badge #410
Mobile: ([REDACTED])
Castle Hills Police Department
209 Lemonwood Drive
Castle Hills, TX 78213

OTHER POLICE OFFICERS:

Paul Turner, Detective Sergeant, CHPD, Badge #204
Initial Reporting Officer
Castle Hills Police Department
209 Lemonwood Drive
Castle Hills, TX 78213

Esteban "Steve" Zuniga, Captain, CHPD, Badge #125
Castle Hills Police Department
209 Lemonwood Drive
Castle Hills, TX 78213

WITNESSES:

Edward "JR" Trevino II
Mayor, City of Castle Hills, Texas
209 Lemonwood Dr.
Castle Hills, Bexar County, TX 78213

Esteban "Steve" Zuniga, Captain, CHPD, Badge #125
Castle Hills Police Department
209 Lemonwood Drive
Castle Hills, TX 78213

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EVIDENCE:

surveillance video footage of the incident

EXHIBITS ATTACHED:

- Exhibit A: Investigator's Letter of Assignment
- Exhibit B: Initial Offense Report
- Exhibit C: Original written complaint – Edward "JR" Trevino II (Complainant)
- Exhibit D: Sworn statement – Edward "JR" Trevino II (Complainant)
- Exhibit E: Sworn statement – Capt. Esteban "Steve" Zuniga
- Exhibit F: Sworn statement – Jesus "Jesse" Quilantan
- Exhibit G: Sworn statement – Chalene Martinez
- Exhibit H: Investigator's 6/24/2019 e-mail to Defendant Gonzalez
- Exhibit I: Investigator's 6/28/2019 letter to Defendant Gonzalez
- Exhibit J: Investigator's 7/12/2019 letter to Defendant Gonzalez
- Exhibit K: DVD-R containing:
 - 1. Video 1 – Petitions Taken
 - 2. Video 2 – Petitions Recovered (this video shows the missing Petitions being recovered from Defendant Gonzalez' personal belongings)
 - 3. Chalene Martinez 052119 (this video shows a citizen chastising Sylvia Ann Gonzalez in open council for deception)

SUMMARY OF THE ALLEGATIONS:

The initial offense report was written as a "Theft" report, and was in reference to a petition, later determined to be twenty-six (26) separate petitions, belonging to the City of Castle Hills (the "Petitions"). The Petitions were alleged to have been stolen by a Castle Hills city councilperson named Sylvia Ann Gonzalez (herein sometimes "Defendant Gonzalez" or "Gonzalez"). The complainant is the current mayor of Castle Hills, Texas, Edward "JR" Trevino II (herein sometimes "Mayor Trevino"). Another primary witness is Castle Hills Police Department ("CHPD") Captain Esteban "Steve" Zuniga (herein sometimes "Capt. Zuniga").

Mayor Trevino charges that on or about May 22, 2019 Defendant Gonzalez improperly used her position as a city councilperson to access Mayor Trevino's section of the dais (the "dais" is the bench at which the city council sits while in session), and once there that Defendant Gonzalez intentionally concealed and/or removed the Petitions from being available. The Petitions had previously been filed with the city (thus, they were items of governmental records belonging to the city). This conduct, if true, fits the elements of the above-listed offense.

SUMMARY OF INVESTIGATOR'S FINDINGS:

After reviewing the above-described facts, circumstances, witness statements, surveillance videos, and other evidence, I have good reason to believe, and do believe that Defendant Gonzalez intentionally and unlawfully concealed and/or removed the Petitions (which were items of governmental records belonging to the city) from being available to the

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city. Accordingly, it is my opinion that Defendant Gonzalez committed the above-listed offense.

IDENTITY OF INVESTIGATOR and NATURE OF ASSIGNMENT:

My name is Alex Wright and I am the Affiant herein. I am a peace officer under the laws of the State of Texas and am currently commissioned as a Special Detective with the Castle Hills Police Department ("CHPD") in Bexar County, Texas. I have over twenty (20) years of experience as a police officer and hold a Master Peace Officer license from the Texas Commission on Law Enforcement. I am also a licensed police instructor and field training officer. During my tenure as a Texas peace officer I have received extensive training and experience in the field of criminal investigation and have participated in numerous investigations into a variety of both state and federal criminal law violations. I also have a Bachelor of Science degree in Criminal Justice with a major in Law Enforcement from Southwest Texas State University. I also have a Juris Doctorate degree from St. Mary's University School of Law, and I am an attorney-at-law, currently licensed to practice law in the State of Texas and 14 other states. Additionally, I have lectured on a variety of legal topics, including constitutional limits as applied to modern policing.

In my role as an independent Special Detective I am available, as needed, to conduct investigations which might otherwise be considered sensitive or delicate, or which are otherwise best kept outside of the regular CHPD chain of command, either due to the nature of the matter being investigated or because of the parties involved. For example, in the past I have been assigned to internal affairs investigations where impartiality and unfamiliarity with the officers involved were desired attributes. In fact, part of my job is to purposefully stay neutral and detached from the CHPD, its officers, and city government. I do not work alongside CHPD officers, I do not answer to them, I do not train with them, I do not socialize with them, and, in fact, I don't even know most of their names. Although this might make me unpopular at the CHPD, it is by design—so that when I am called upon it can be fairly said that I do not have allegiances to anyone, or anything, other than to the law and to seeing that justice is done. This gives me the freedom to investigate impartially. Further, while full-time CHPD detectives must take all cases which cross their desks, I am free to decline any request to investigate a case. This enables me to direct my full efforts in furtherance of singularly sensitive, delicate, or otherwise important cases.

This is a sensitive case—one which I would classify as a Municipal Integrity investigation. It involves a complaint by a city mayor of wrongdoing on the part of a councilperson. Having used me as an independent Special Detective in the past, CHPD Police Chief Johnny Siemens asked if I would consent to becoming lead investigator on this case. I told him that I would agree to investigate the case only if, after my initial review, I believed: (i) that the allegations were meritorious; and, (ii) that there was no semblance of the CHPD being used as a tool for political purposes or for interfering with local politics. Chief Siemens agreed, whereupon I went to the CHPD and reviewed the initial offense report (see, Exhibit B, attached hereto) and the Complainant's original written complaint (see, Exhibit C, attached hereto). Following my review, I believed that this case had merit. I further believed that even though the Defendant is a politician, there was more here than mere politics. Rather, I found there to be: (i) a specific and articulable offense alleged which involved deceit; and, (ii)

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indicia that an investigation would reveal that crimes had been committed—perhaps even ones different from those appearing at first blush.

I told Chief Siemens that I would accept the case assignment under the usual condition that I be allowed to conduct my investigation completely external from the CHPD. I also made a request to be free from Chief Siemens' direct oversight of the case as well. This codicil seemed reasonable to me because Chief Siemens knows and regularly interacts with other officers and employees of the city (albeit only on a professional level), whereas I had theretofore never met (or even or heard of) Defendant Gonzalez. I believe that I had at some point (in months past) been introduced to Mayor Trevino (the Complainant), however I had never had a conversation with him and certainly had no bias one way or the other about him. Chief Siemens agreed, telling me that he had already thought of this, and that he preferred such an arrangement because it was the best way to eliminate, or at least reduce, the potential for any perceived bias. By way of his June 18, 2019 written Letter of Assignment (see, Exhibit A, attached hereto), Chief Siemens assigned me to this case with the authority to conduct an independent investigation, outside of the normal CHPD processes.

INVESTIGATOR'S NARRATIVE:

I began this investigation by again reading the initial offense report (see, Exhibit B) and the original written complaint made by the Complainant, Mayor Trevino (see, Exhibit C). I then debriefed the initial reporting officer (Detective Sgt. Paul Turner). I purposefully did not review the surveillance videos of the incident at this stage in order to first give all witnesses (including Defendant Gonzalez) the opportunity to explain their versions of events to me.

On June 24, 2019 I met with Mayor Trevino (as the Complainant) and interviewed him about the events in question, and he responded by providing me with the following facts:

Mayor Trevino:

Defendant Gonzalez is new to city council, having been elected in May of 2019. From her very first meeting she has showed a strong concert of action with another councilperson, named Lesley Wenger. Lesley Wenger was elected in May of 2018 and since that time she has been openly antagonistic to the city manager, Ryan Rapelye, wanting desperately to get him fired on fabricated and unsubstantiated charges of wrongdoing. Part of Lesley Wenger's plan to oust Mr. Rapelye involved collecting signatures on several Petitions to that effect.

(Investigator's Note #1: *Lesley Wenger is currently a defendant in an active CHPD investigation alleging official misconduct, under Case No.: 2019-06-0061, which was investigated in tandem along with this case. During investigation of that case, the official city attorney, Marc Schnall, confirmed for me that Lesley Wenger's allegations against Ryan Rapelye do not legally support firing him for cause. Further, a significant number of witnesses have told me that Lesley Wenger has, since May of 2018, regularly and repeatedly harassed and bullied Ryan Rapelye, sometimes unlawfully, pursuant to her agenda to fire him. Also, it is widely reported by witnesses that Defendant Gonzalez looks up to Lesley Wenger and would do anything she asked. In fact, many witnesses have commented that Defendant Gonzalez is completely manipulated by Lesley Wenger to such*

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an extreme degree that during council meetings Defendant Gonzalez can be seen waiting to vote on any topic until she sees how Lesley Wenger votes, which she then copies. Witnesses explain that Lesley Wenger helped get Sylvia Gonzalez elected. Both Lesley Wenger and Defendant Gonzalez support agenda items together, vote identically, ride in the same car, and are never seen at city hall independently of one another. The significant number of witnesses who identically described the relationship between Lesley Wenger and Defendant Gonzalez seem to establish their pattern and practice of regularly acting in concert with one another.)

On the evening of May 21, 2019 a public meeting of the Castle Hills City Council was held at city hall, located at 209 Lemonwood Dr., Castle Hills, Bexar County, Texas 78213. This meeting was presided over by Mayor Trevino. During the public commentary portion of the meeting, a man named Bob Anderson (Lesley Wenger's husband) presented twenty-six (26) separate petitions to Mayor Trevino each of which called for the removal of city manager Ryan Rapelye (under the guise of "FIX OUR STREETS"). As the presiding officer of the city council meeting, Mayor Trevino formally accepted the petitions as city property. At that moment the petitions became city property and "governmental records" pursuant to §552.002(a), Government Code. Mayor Trevino then kept possession of the Petitions, waiting until the meeting's conclusion to give them to the city secretary.

Importantly, another member of the public also came to the podium during that meeting. A citizen named Chalene Martinez took the microphone and said that on May 13, 2019 Defendant Gonzalez had personally come to her home to solicit her signature upon one of the petitions. Ms. Martinez then publically accused Defendant Gonzalez of misleading her regarding the actual nature and purpose of the Petitions, and further accused Defendant Gonzalez of asking her to sign under false pretenses. The council meeting went late into the night and when it became clear that its end was not yet in sight, Mayor Trevino declared the meeting to be "in recess" and announced that it would resume at 4pm the next day, May 22, 2019.

On May 22, 2019, Mayor Trevino arrived early for the continuation of the city council meeting. In light of the serious allegations made by the citizen named Chalene Martinez the night before, Mayor Trevino used this time to start sifting through the Petitions in search of any anomalies. As the 4pm meeting start time drew near, Mayor Trevino attached a large black binder clip to the stack of 26 Petitions and placed them on top of his other paperwork, all of which was in his working area on the desktop of the dais. During the meeting he noticed that the Petitions were gone and he assumed the city secretary had collected them. He also noticed that an identical binder clip, of the same paper stack size, was now inside and at the back of Gonzalez' large 3-ring binder, but he initially thought it to be a coincidence.

At the end of the meeting, the city secretary asked Mayor Trevino for the original Petitions, causing him to realize that she hadn't collected them. These were the original Petitions, carried over from the previous night's meeting and had been in Mayor Trevino's possession as the presiding officer who received them. At

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this point Mayor Trevino suspected that Defendant Gonzalez had taken the Petitions based on him clearly seeing the same binder clip, of the same paper stack size, inside and at the back of Gonzalez' 3-ring binder. Mayor Trevino then waived to get the attention of Capt. Zuniga who was near the back of the room helping to shut off lights.

(Investigator's Note #2: *The reason that Capt. Zuniga was present during the May 22, 2019 city council meeting is as follows: Each city department sends a representative to city council meetings so they are on-hand to answer any questions, as needed. On this night Capt. Zuniga was representing the police department in the place of Chief Siemens who could not attend.)*

Mayor Trevino explained to Capt. Zuniga that he suspected Defendant Gonzalez had taken the Petitions. Mayor Trevino then observed as Capt. Zuniga asked Defendant Gonzalez if she had taken the Petitions, which Defendant Gonzalez denied. He then asked her if she was sure, and Defendant Gonzalez walked back to her spot on the dais, opened her 3-ring binder and then started slowly flipping through its contents, stopping before reaching the black binder clip at which point she declared, again, that she did not have the Petitions. Mayor Trevino explained to me that the Petitions were clearly visible but Defendant Gonzalez was going so slowly because it was obvious to him that she was just trying to avoid eventually getting to them. Mayor Trevino and Capt. Zuniga finally just pointed with their fingers at the clearly visible black binder clip at the back of Defendant Gonzalez' 3-ring binder, at which point Defendant Gonzalez pulled the black binder clip out of her 3-ring binder, revealing that these were indeed the missing original Petitions. As she produced the Petitions, Defendant Gonzalez never questioned that they belonged to the city or tried to claim that they were hers.

Defendant Gonzalez started to hand the Petitions to Mayor Trevino, but then Lesley Wenger called out and said she would take them, so Defendant Gonzalez turned away from Mayor Trevino and gave them to Lesley Wenger instead. After some prodding, Lesley Wenger eventually handed the Petitions to the city secretary.

Mayor Trevino also told me that two days later, on May 24, 2019, Defendant Gonzalez unexpectedly came up to him at city hall and asked him why he had "called the police on her." Mayor Trevino said he simply didn't want there to be any misunderstanding and that Capt. Zuniga happened to already be in the room. Defendant Gonzalez then said that Capt. Zuniga "made her feel intimidated."

(Investigator's Note #3: *The video of the incident clearly shows that no police intimidation occurred. Mayor Trevino told me that he believes Defendant Gonzalez invented this "intimidation" statement in order to somehow create a defense for her theft. See, sworn statement of Mayor Trevino at Exhibit D, attached hereto).*

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(Investigator's Note #4: *I met with Mayor Trevino again, on July 8, 2019, at which time I obtained his sworn statement of the events, which was wholly consistent with the facts he provided to me during our previous interview. See, Exhibit D.*)

On June 27, 2019 I met with Capt. Zuniga and interviewed him about the events in question, and he responded by providing me with the following facts, which I found to be consistent with Mayor Trevino's statement of facts:

Capt. Zuniga:

In addition to supporting the points mentioned by Mayor Trevino, Capt. Zuniga's account also mentions additional observations. When he initially asked Gonzalez if she had the Petitions, she denied it. When Gonzalez did, eventually, pull the Petitions out of her 3-ring binder, Capt. Zuniga reports that Gonzalez told him that she thought those were extras. But Capt. Zuniga found that statement odd because, if true, then he questioned why she twice told him, only moments before, that she did not have the Petitions in her binder. If she thought she had a right to them (because they were copies) then surely she would have spoken up when asked. Additionally, Capt. Zuniga found it surprising that Lesley Wenger had taken such an interest in getting these Petitions from Gonzalez because, after all, unless she was complicit in their taking, there was no way she could know what these documents were that Gonzalez was retrieving. Lesley Wenger was not part of the conversation and from her vantage point she would have only seen the back of the pages. Capt. Zuniga told me that he then wondered why Lesley Wenger would be so anxious to make copies of "unknown" papers, or of "extras" as Defendant Gonzalez had said. Capt. Zuniga also told me he found it odd that Lesley Wenger was so slow to hand the Petitions to the city secretary, in what he described as a "reluctant manner."

(Investigator's Note #5: *I later met with Capt. Zuniga again, on July 2, 2019, at which time I obtained his sworn statement of the events, which was wholly consistent with the facts he provided to me during our previous interview. See, Exhibit E, attached hereto.)*

I also attempted to interview Defendant Gonzalez, however she repeatedly declined. My offers to interview her are detailed below:

June 24, 2019: I telephoned Defendant Gonzalez ([REDACTED]) and left a message asking for a return call to schedule an interview. She never responded.

June 24, 2019: I sent an email to Defendant Gonzalez ([REDACTED]) asking for an interview (see, Exhibit H, attached hereto). Gonzalez never responded.

June 28, 2019: I mailed Defendant Gonzalez a letter ([REDACTED]) asking for an interview, along with an invitation for her attorney to join us (see, Exhibit I, attached hereto). Defendant Gonzalez never responded.

July 2, 2019: While I was at city hall on other business, I happened to see Defendant Gonzalez there (in the company of Lesley Wenger, but off to the side) so I asked her if she would consent to an interview, including her lawyer, if she wished. Defendant Gonzalez asked me if I was the one who had mailed her the letter a few days before and I

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confirmed that I was. But before Defendant Gonzalez could answer further, Lesley Wenger rushed over, physically inserted herself between Defendant Gonzalez and me and hijacked the conversation saying, “we have the same attorney.” Lesley Wenger didn’t give Defendant Gonzalez a chance to answer or speak further—she was clearly in charge. Mrs. Wenger then motioned for Defendant Gonzalez to follow her to the car. At that point, the two of them got into a car (driven by Defendant Gonzalez) and they departed.

July 12, 2019: I again mailed Defendant Gonzalez a letter (██████████) asking for an interview, along with an invitation for her attorney to join us (see, Exhibit J, attached hereto). Defendant Gonzalez never responded.

I then watched the surveillance video footage from inside the city council chambers to see if the act complained of was captured on video, and I found that it was. More specifically, here is what I observed:

Video 1 – Petitions Taken: (see, Exhibit K(1), attached hereto)

The time marks listed below do not refer to the time of day, but rather they refer to the minutes and seconds into the video at which that scene is visible.

4:34: For the first time this day, Gonzalez approaches her seat on the dais (to the right of, and adjacent to, Mayor Trevino’s seat). At that time, Mayor Trevino is standing near his seat, but is facing the other way while engaged in a conversation. Gonzalez then moves to her left in order to reach over Mayor Trevino’s stack of documents.

4:36: After looking around, Gonzalez picks up the Petitions from on top of Mayor Trevino’s binder and quickly pulls them toward her seat. There is no mistaking that the Petitions were in the Mayor’s pile of documents, not Gonzalez’ pile.

4:41: Gonzalez turns the Petitions toward her, looks at them directly, and begins flipping through pages. There is no mistake—Gonzalez knows what she is holding.

4:43: Gonzalez organizes the Petitions by knocking them on the desk.

4:47: Gonzalez moves the Petitions to the desktop in front of her, lays them down on the desk to the right of her binder, and then opens her binder up so that the cover obscures the Petitions.

4:51: Mayor Trevino notices activity near his binder and reaches over to pick his binder up, not realizing that Gonzalez has just taken the Petitions.

This video clearly shows Gonzalez purposefully taking the Petitions from city custody.

Video 2 – Petitions Recovered: (see, Exhibit K(2), attached hereto)

I then watched this video which covers the period of time at the end of the city council meeting when the Petitions were ultimately recovered. Again, the time marks listed below do not refer to the time of day, but rather they refer to the minutes and seconds into the video at which that scene is visible.

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1:40: It is evident that Mayor Trevino has realized that he no longer has the Petitions and returns to his seat on the dais to look for them.

1:43: Mayor Trevino bends over, looks at Gonzalez' binder, and confirms that the large binder clip is still inside her 3-ring binder. This is consistent with Mayor Trevino's sworn statement wherein he said he recalled seeing the binder clip in Defendant Gonzalez' 3-ring binder. At this same time Defendant Gonzalez can be seen at the far left side of the frame speaking with a man (Clyde McCormick, current councilperson) and a woman (Amy McLin, former councilperson).

1:47: Mayor Trevino waves for Capt. Zuniga to come his way, toward the dais.

2:05: Mayor Trevino is talking to Capt. Zuniga.

2:35: Lesley Wenger is standing to the far right of the frame, looking toward Capt. Zuniga and the missing Petitions on the desk.

2:42: Lesley Wenger comes closer to get nearer the action and hovers there, watching the activity.

3:16: Capt. Zuniga has moved to the other side of the dais and is respectfully waiting for an opening in the conversation to get Gonzalez' attention.

3:24: After seeing that the "action" has moved to the other side of the dais, Lesley Wenger moves that direction to be closer.

4:00: Gonzalez has returned to her seat position at the dais and has pulled her 3-ring binder toward her. Lesley Wenger reverses course, again, to be nearer the activity.

4:06: Gonzalez slowly flips through the contents of her binder, stopping before reaching the black binder clip. It appears as though Defendant Gonzalez was trying to avoid "finding" the Petitions which she has already affirmatively stated that she does not have. Lesley Wenger continues to hover at the end of the bench.

4:20: Lesley Wenger walks up the steps, appearing to me to be because she notices Gonzalez is running out of papers to slowly flip through and will soon reach the Petitions.

4:24: Mayor Trevino and Capt. Zuniga finally just point to the obvious binder clip containing the Petitions. It appears to me that Defendant Gonzalez realized that she could pretend no longer, so she simply pulled the Petitions out of her binder without further hesitation.

4:27: Gonzalez turned to her left and handed the Petitions toward Mayor Trevino. However, at that same moment Lesley Wenger, who was now all the way up the steps and standing to the right of Gonzalez, reached her hand out to Gonzalez. The surveillance video does not have sound, but this corresponds with the point in time that Mayor Trevino told me Lesley Wenger called out for the Petitions. At that moment Gonzalez abruptly changed directions, turned to her right, and handed the Petitions to Lesley Wenger instead.

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4:46: Lesley Wenger reluctantly hands the Petitions to the city secretary—as described in Capt. Zuniga’s sworn statement.

Of particular note to me was that these videos showed several furtive movements by Defendant Gonzalez. FIRSTLY, she moved so slowly while looking through her 3-ring binder, only thumbing through a few pages at a time, that it looked silly and contrived—as if to buy time hoping for some form of rescue. SECONDLY, she appeared to be purposefully avoiding “finding” the Petitions by feigning her failure to notice the obvious binder clip which those around her could clearly see. THIRDLY, the way she so quickly abandoned handing them to Mayor Trevino (which she had already started to do), and instead turned abruptly and gave them to her ally, Lesley Wenger, the moment she called for them. It seemed strange that Gonzalez would give a higher priority to the later request (from Wenger), rather than to the earlier request (from Mayor Trevino, who was the rightful possessor/conservator of the Petitions at that time)—unless, of course, she knew her actions were unlawful, that she had been caught in the act, and this was her way of reaching out to Lesley Wenger for some sort of lifeline, or help.

Additionally, the witness reports I have received (as part of the tandem investigation previously mentioned) which claim that Defendant Gonzalez is under the complete manipulation and control of Lesley Wenger are given serious support by the actions of Lesley Wenger and Defendant Gonzalez, in the video described above, *to wit*: (i) Lesley Wenger’s hovering nearby and moving quickly to intercede once the Petitions were exposed—when an otherwise innocent person would likely have paid no attention at all to what was occurring; and, (ii) Defendant Gonzalez’ painfully obvious and dutiful obeisance to Lesley Wenger which occurred when Gonzalez abruptly swung around and instantly handed the Petitions to Lesley Wenger when she called for them—bypassing the more obvious choices of handing them to either Mayor Trevino, Capt. Zuniga, or the city secretary.

While it may be true that Defendant Gonzalez is following the direction of Lesley Wenger, the facts and evidence described above only affirmatively demonstrate that Defendant Gonzalez stole the Petitions in violation of law. For further support that this criminal act was intentionally committed, see section below entitled, Possible Motives.

POSSIBLE MOTIVES:

Although it isn’t necessary to prove a motive, it is sometimes helpful to understand an actor’s motivations for committing a crime. Since Defendant Gonzalez hasn’t spoken to me, I can only surmise. However, a few good reasons exist to explain Defendant Gonzalez’ motivations for committing this crime, such as:

A. To Prevent Two Separate Frauds From Being Discovered.

Defendant Gonzalez had walked through the neighborhood going door-to-door asking residents to sign a petition to “FIX OUR STREETS” when in reality the purpose of the petition called for the firing of the city manager, Ryan Rapelye and replacing him with Diane Pfeil, a good friend of both Defendant Gonzalez and her ally, Lesley Wenger. The CHPD has received complaints that the Petitions were pitched to residents under false pretenses,

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notably because the bullet points are simply not true, but also with the rough and tumble “just sign here” manner in which signatures were collected.

i. Fraud # 1: The Knowledge That Not All Signatures Were Genuine.

Defendant Gonzalez has been accused of intentionally obtaining signatures upon the Petitions that were not genuine. One complaint in particular brought this to the forefront, and is detailed in the sworn statement of Jesus “Jesse” Quilantan (see, **Exhibit F**, attached hereto). Jesse Quilantan explains that his parents were not home when Defendant Gonzalez came to his door seeking signatures upon the Petitions. He recognized Gonzalez from another time he saw her while she was campaigning for election, a few weeks earlier. However, now she was an elected councilperson. Jesse Quilantan told Gonzalez that his parents weren’t home to look over the petition, at which point Defendant Gonzalez told Jesse that he could go ahead and “sign for his parents” because she knew “that they wouldn’t mind.” In point of fact, Jesse’s parents were irate when they found this out.

But it is clear that Defendant Gonzalez knew these signatures were fraudulent—in fact, she encouraged the fraud by telling Jesse to sign his parent’s signatures anyway, and then Defendant Gonzalez turned the petition in, without compunction. Later, when scrutiny was brought upon the Petitions by Chalene Martinez (recall the citizen who publicly accused Gonzalez of misrepresenting the Petitions during the council meeting just the night before—see also, Fraud # 2, below) it is highly plausible that Defendant Gonzalez panicked and stole the original Petitions to hide her fraud which would be uncovered during a full investigation.

***(Investigator’s Note #6:** This appears to be just the tip of this particular iceberg. In addition to Mr. Quilantan being urged to sign other people’s signatures, I have also identified 90 out of 307 other signatures on the Petitions (or 29%) which are suspected forgeries. These are currently under investigation.)*

ii. Fraud # 2: The False and Defamatory Nature of the Oral Pitch.

Defendant Gonzalez has been accused of fabricating statements and making defamatory statements about city manager Ryan Rapelye while making her oral pitch to collect signatures upon the Petitions. This complaint is detailed in the sworn statement of Chalene Martinez (see, **Exhibit G**, attached hereto), wherein Ms. Martinez tells how Defendant Gonzalez lied to her that these Petitions were about getting the roads fixed, and was upset to learn, upon closer inspection, that the real thrust of the Petitions was to fire city manager Ryan Rapelye. Chalene Martinez next details how Defendant Gonzalez lied to her by saying that Ryan Rapelye had a Hispanic employee arrested at gunpoint by the police, which is a complete fabrication with no semblance of truth whatsoever. She also explains that Defendant Gonzalez told her that, under Ryan Rapelye’s administration, only “certain people were privileged to information” at city hall, another outright fabrication. Chalene Martinez explains that she believes that Defendant Gonzalez told these lies in order to damage Ryan Rapelye’s reputation. **The timing here is critically important to understanding this motive:** Chalene Martinez showed up at the May 21, 2019 city council meeting and took the public microphone and called out Defendant Gonzalez for her deceptive acts while going door-to-door to pitch these Petitions (see, the video of Chalene Martinez calling out Defendant Gonzalez at **Exhibit K(3)**, attached hereto). Recall that this

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May 21, 2019 meeting was adjourned until the next day (May 22, 2019) due to the lateness of the hour, but by that time Chalene Martinez had already spoken out against Defendant Martinez. When the meeting reconvened at 4pm on May 22, 2018, Defendant Gonzalez could have reasonably assumed that the public chastisement she received the night before from Chalene Martinez would lead to the mayor (or others) conducting an investigation into Defendant Gonzalez' interactions with other signers of the Petitions. It is certainly plausible that when Defendant Gonzalez saw the original Petitions lying unguarded on Mayor Trevino's portion of the desk that evening, she saw that as an opportunity to prevent the discovery of any further wrongdoing on her part—by simply taking the evidence of her actions. Timing tells the story—she is publically called out one day and then she takes the evidence on the next day. Of course, by that time the Petitions had already been submitted to Mayor Trevino and they were governmental records, thus leading to this crime.

(Investigator's Note #7: Chalene Martinez publically spoke out against Gonzalez on May 21, 2019. At the very next council meeting (June 11, 2019) Defendant Gonzalez (along with Lesley Wenger) inserted an agenda item to ban public comments from city council meetings.)

B. To Further Accuse Ryan Rapelye of "Losing" City Documents.

As part of the tandem investigation previously mentioned, I uncovered an unmistakably coordinated agenda between Defendant Gonzalez and her ally Lesley Wenger to contrive poor job performance factors against city manager Ryan Rapelye. One such event occurred as follows: In late 2018, Lesley Wenger publicly accused Ryan Rapelye of mismanagement for "losing city records." These "missing files" were supposedly created by Lesley Wenger's friend, Diane Pfeil, a previous city manager while she was in office. Lesley Wenger now claimed that Ryan Rapelye must be incompetent or criminally responsible for any of these files created by Diane Pfeil which were missing. At Lesley Wenger's insistence, a police investigation ensued (under CHPD Case No.: 2018-09-0078) and detectives scoured Mr. Rapelye's office to no avail. A few nights later, Lesley Wenger phoned in a "tip" that she had anonymously been told that the files were still in Mr. Rapelye's office. Another search ensued and within moments some "missing files" were found in an obvious position on the top shelf of a credenza (on top of other files that had a layer on dust on them). Investigators concluded that this was staged and that these files had been placed there in between the two searches. Nevertheless, Lesley Wenger insisted that Ryan Rapelye was to blame. Follow-up investigation strongly indicated that the city secretary (Minerva Gonzalez) was feeding information to Lesley Wenger. Lesley Wenger and her husband Bob Anderson had been spotted in previous months giving gifts to Minerva Gonzalez and sweet talking her, something that was well outside of either of their characters, unless it was for nefarious reasons. Regarding these miraculously reappearing files, it was theorized that Minerva Gonzalez had planted these "missing files" in Ryan Rapelye's office, to which she had a key and which she failed a polygraph examination regarding. Minerva Gonzalez was ultimately dismissed from employment for performance issues. Lesley Wenger and Defendant Gonzalez continue to use this episode as "proof" of Ryan Rapelye's incompetence. Accordingly, it is plausible that Defendant Gonzalez took the Petitions in order to cast a further unwarranted shadow upon Ryan Rapelye's job performance. This is also the motive which Mayor Trevino believes to exist (see, Exhibit D).

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(Investigator's Note #8: *During the course of this investigation I uncovered additional evidence suggesting that, in fact, former city manager Diane Pfeil had taken some city records herself when she was fired from her post a few years ago. I have turned this evidence over to the detective in charge of the previous missing files investigation.)*

AT THIS POINT I was convinced that the above-listed offense had been committed by Sylvia Ann Gonzalez. Mr. Trevino, the complainant calls (or visits) the police department daily, and sometimes multiple times per day, seeking to learn the status of our investigation. Also, Defendant Gonzalez continues to give interviews to the media complaining of police harassment (which isn't occurring). However, rather than leave all parties with a sense of apprehension about this investigation, I decided that it best to seek an arrest warrant for Gonzalez.

Accordingly, on July 17, 2019 I drafted a complaint / affidavit for the issuance of an arrest warrant on the above-listed charge and presented it to a Bexar County District Judge. The judge found probable cause to exist that this crime had been committed, authorized the arrest, and signed the warrant. On the afternoon of July 17, 2019 I filed such warrant with the Bexar County Sheriff's Office-Criminal Warrants Division. That evening I telephoned Chief Siemens and advised him that I had completed my investigation into this matter and that I had obtained the arrest warrant mentioned above. Chief Siemens told me that he understood and appreciated the update, and asked me to file my complete report as soon as possible.

ELEMENTS OF THE OFFENSE:

(NOTE: *non-applicable elements have been purposefully omitted.*)

Tampering with Governmental Record

§37.10(c)(1), Penal Code (MA)

A person commits an offense if the person:

1. intentionally
2. destroys, conceals, removes, or otherwise impairs
3. the verity, legibility, or availability
4. of a governmental record

"governmental record" means anything belonging to, received by, or kept by government for information. §37.01(2), Penal Code.

In this case, the governmental records are the 26 Petitions which Defendant Gonzalez intentionally concealed and/or removed from being available.

ANALYSIS OF THE ELEMENTS:

Tampering with Governmental Record

§37.10, Penal Code (MA)

1. intentionally

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This element describes the necessary *mens rea* for this crime to have been committed. In this case it is satisfied because the video clearly shows Defendant Gonzalez deliberately, and intentionally, taking the Petitions.

A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result. § 6.03(a), Penal Code

2. destroys, conceals, removes, or otherwise impairs

This element describes the necessary *actus reus* necessary for conduct to be a crime. In this case it is satisfied because Defendant Gonzalez concealed and/or removed the Petitions; and further, did so voluntarily, *to wit*:

A. “conceals” is not defined by statute. However, a protocol exists:

i. Words in statutes shall be given their ordinary meaning. §312.002, Government Code.

ii. When words are not defined by the Legislature, they are to be understood as ordinary usage allows, and jurors may freely read the statutory language to have *any* meaning which is acceptable in common speech. *Teer v. State*, 923 S.W.2d 11, 19 (Tex.Crim.App. 1996).

iii. In determining the plain meaning of a word, we initially look to dictionary definitions. *State v. Holcombe*, 187 S.W.3d 496, 500 (Tex.Crim.App. 2006).

a. Merriam-Webster Dictionary: “conceal” means to place out of sight or to prevent the disclosure of.

b. Dictionary.com: “conceal” means to hide; withdraw or remove from observation; cover or keep from sight.

-OR-

B. “removes” is not defined by statute. However, a protocol exists:

i. Words in statutes shall be given their ordinary meaning. §312.002, Government Code.

ii. When words are not defined by the Legislature, they are to be understood as ordinary usage allows, and jurors may freely read the statutory language to have *any* meaning which is acceptable in common speech. *Teer v. State*, 923 S.W.2d 11, 19 (Tex.Crim.App. 1996).

iii. In determining the plain meaning of a word, we initially look to dictionary definitions. *State v. Holcombe*, 187 S.W.3d 496, 500 (Tex.Crim.App. 2006).

a. Merriam-Webster Dictionary: “removes” means to move by lifting, pushing aside, or taking away or off.

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b. Dictionary.com: “removes” means to take something away or off from the position occupied.

C. “voluntarily engaged in the prohibited conduct”

Though not an element of the offense, it is incumbent on the state to prove that Defendant Gonzalez, in concealing or removing the Petitions as described above, voluntarily engaged in such prohibited conduct, by act, omission, or possession. §6.01(a), Penal Code. This is satisfied by the clear evidence that Defendant Gonzalez purposefully picked up, examined, and secreted the Petitions (see, Exhibit K(1), attached hereto). Such an intentional act satisfies the voluntariness requirement.

3. availability

This element was satisfied as soon as the Petitions were in the possession of Defendant Gonzalez.

A. “availability” is not defined by statute. However, a protocol exists:

i. Words in statutes shall be given their ordinary meaning. §312.002, Government Code.

ii. When words are not defined by the Legislature, they are to be understood as ordinary usage allows, and jurors may freely read the statutory language to have *any* meaning which is acceptable in common speech. *Teer v. State*, 923 S.W.2d 11, 19 (Tex.Crim.App. 1996).

iii. In determining the plain meaning of a word, we initially look to dictionary definitions. *State v. Holcombe*, 187 S.W.3d 496, 500 (Tex.Crim.App. 2006).

a. Merriam-Webster Dictionary: “availability” means the state of being present and ready for immediate use.

b. Dictionary.com: “availability” means readily obtainable; accessible.

4. of a governmental record

This element is satisfied because the Petitions (which Defendant Gonzalez concealed and/or removed) were government records, *to wit*:

“governmental record” means anything belonging to, received by, or kept by government for information. §37.01(2), Penal Code.

In this case, the governmental records are the 26 Petitions which were received by Mayor Trevino and which Defendant Gonzalez then intentionally concealed and/or removed from being available. The Petitions also meet the definition of those items to be kept by the city, *to wit*:

A. “Castle Hills, Texas – Code of Ordinances, Article VII – Records Management, §2-299, Castle Hills Code provides as follows: “All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic

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media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to them is open or restricted under the laws of the state, created or received by the city or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the city and shall be created, maintained, and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner." (emphasis added)

B. §201.005, Local Government Code provides that government records received in the transaction of official business are subject to the provisions of the Texas Local Government Records Act.

CRIME WAS COMPLETE, NOT INCHOATE:

Title 4 of the Texas Penal Code deals with inchoate offenses, and Chapter 15 thereof deals with preparatory offenses such as "criminal attempt." This case is not an "attempted" one—it was complete. In this case Defendant Gonzalez completed the above-listed offense at the moment that she "concealed" or "removed" the governmental records. Therefore, Defendant Gonzalez' conduct was not merely preparatory, but rather she completed the offense in whole. While it is true that the governmental records (the Petitions) were recovered before Defendant Gonzalez was able to abscond from the premises with it, she completely acquired the governmental records and exercised control over it.

Stolen property does not need to be taken off of the premises where it is stolen. Instead, it is sufficient to show that the defendant exercised control over the property. See, *Hill v. State*, 633 S.W.2d 520, 521 (Tex.Crim.App. 1981); see also, *Freeman v. State*, 707 S.W.2d 597, 605 (Tex.Crim.App. 1986). "[R]emoval of the property from the premises is not necessary for commission of the offense of theft. Removal of the object from its customary location is sufficient to show such reduction of control or manual possession as is required." *Willis-Webb v. State*, No. 01-15-00727-CR, 2016 Tex. App. LEXIS 11640, 2016 WL 6277423, at *3-4 (Tex. App.—Houston [1st Dist.] Oct. 27, 2016, pet. ref'd) (mem. op., not designated for publication) (holding evidence showed unlawful appropriation even though security guards caused defendant to abandon merchandise before leaving store). See also, *Davis v. State*, No. 01-17-00587-CR, 2019 Tex. App. LEXIS 2067 *16-17 (Tex. App. Houston 1st Dist. Mar. 14, 2019).

The amount of time during which Defendant Gonzalez possessed the Petitions is likewise irrelevant. Any "exercise [of] control over property other than real property" is an appropriation regardless of the duration of that control. *Baker v. State*, 511 S.W.2d 272, 272 (Tex.Crim.App. 1974).

In short, Defendant Gonzalez cannot seek to vitiate her own criminal liability based upon the premise that the complainant acted quickly and caught her in the act.

NEGATION OF ANY EXCEPTIONS TO THE OFFENSE:

It is incumbent upon the state to negate the existence of any exceptions to the offenses, and to also prove such beyond a reasonable doubt. §2.02(b), Penal Code. In this case, the above-listed offense does not contain any exceptions which are identified as such pursuant to §2.02(b), Penal Code.

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OTHER CRIMES NOT CHARGED:

The conduct of Defendant Gonzalez also satisfies the elements of additional offenses, set forth in this section. However, I have not charged Defendant Gonzalez with these crimes at this time, instead leaving those decisions to the Bexar County Criminal District Attorney.

A. 25 counts of: Tampering with Governmental Record

§37.10, Penal Code (MA)

This is the same offense which is charged above, however this takes into account the remaining 25 Petitions which Defendant Gonzalez took from the city. There were 26 Petitions total, but I am only charging her with 1 count pursuant to this report.

B. 26 counts of: Tampering With or Fabricating Physical Evidence

§37.09, Penal Code (F3)

A person commits an offense if:

1. knowing that
2. an investigation or official proceeding is pending or in progress
3. alters, destroys, or conceals any record, document, or thing
4. with intent to impair its verity, legibility, or availability
5. as evidence in
6. the investigation or official proceeding

“official proceeding” means any type of administrative, executive, legislative, or judicial proceeding that may be conducted before a public servant. See, §1.07(a)(33), Penal Code. The “official proceeding” here is the May 22, 2019 city council meeting from which Defendant Gonzalez stole the Petitions, and future meetings where they were to be discussed. The Petitions were at issue in that meeting, yet Defendant Gonzalez knowingly concealed them among her personal belongings in order to impair their availability as evidence during this, or another, city council meeting.

C. 26 counts of: Destruction, Removal, or Alteration of Public Information

§552.351, Government Code (MB)

A person commits an offense if the person:

1. wilfully
2. removes without permission as provided by [Ch. 552 of the Government Code]
3. public information

CONCLUSION:

My interviews and investigations of the witnesses discussed in this report revealed them to all be credible and reliable, and I find their reputations for truth and veracity to be excellent.

After reviewing the above-described circumstances, witness statements, and evidence, and after taking into account all statutory exceptions to criminal liability, if any, and after

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exhausting all exculpatory avenues of inquiry available to me, I have concluded my investigation in this case. I have good reason to believe, and do believe, that Defendant **Sylvia Ann Gonzalez** committed the above-listed offense against the peace and dignity of the state.

Respectfully Submitted,



Alex Wright, #410
CHPD Special Detective

July 18, 2019

Date

EOR

Castle Hills Police Department



209 Lemonwood Dr.
Castle Hills, Texas 78213
210-342-2341
Fax 210-342-5358



JOHNNY SIEMENS
CHIEF OF POLICE

TO: Special Detective A. Wright #410

FROM: Chief. J. Siemens #100

DATE: 06-18-19

REF: Letter of Assignment—Criminal Complaints Involving Various Sitting Councilpersons

Detective Wright,

Since my appointment as the CHPD Chief of Police, I have knowingly and intentionally acknowledged your previous appointment by the outgoing Chief Wayne Davis as a Special Detective. Recognizing your experience, training in the law and criminal investigations, and the value you provide the agency through impartial investigation of sensitive incidents (in addition to your other contributions), and having reviewed your work product on various occasions, I maintained said status of your commission. As you know, pursuant to your continuing appointment as a Special Detective, you are generally answerable only to the Chief and thus fall outside of any other command structure or hierarchy of rank, consistent with those assigned to Internal Affairs at agencies across the country. This alignment, albeit not consistent with standard reporting structures commonly found in an agency, is by design and allows for unfettered investigations. Your distance from the day-to-day operations of this agency is likewise beneficial in your role. For these reasons, you have previously been assigned, and remain available for assignment, to cases for which the normal command structure is less well suited, or where maintaining a degree of separation is a sensible course of action—such as the assignment you are receiving herein.

Accordingly, you are hereby assigned several criminal complaints, fielded from a member of City government, an employee of the City, and lastly, by a citizen of Castle Hills (see complaints, provided separately). Said complaints have been levied against two sitting councilpersons. As one would imagine, this makes for a very precarious situation for, not only agency members, but myself as well, and certainly for those who filed the complaints. In fact, I have already been exposed to veiled pressure from another sitting councilmember, questioning the veracity of the complaints coupled with inuendo surrounding past investigations/inquiries into improprieties within the City. As with any investigation, CID (Sgt. Turner in two of the cases and myself in the third as I was personally requested) conducted preliminary investigations in effort to establish merit. Upon doing so, it appears that said complaints are meritorious, thus warranting further investigation. With public statements surrounding police corruption recently made by councilpersons identified as suspects in the criminal complaints, I find it in the best interest of the investigations and ALL parties to assign these complaints to you as an investigator external to day-to-day operations and ALL parties involved. Further, while I believe the integrity of this agency's CID to be beyond reproach, assigning these complaints to you is sensible considering my continuing desire to avoid even the most strained appearance of any impropriety.

Further, PLEASE NOTE that for the duration of this assignment, your ordinary charge of answering only to the Chief (to include any other CHPD officer) will be suspended except regarding matters of professional conduct or policy violations. Though this is a departure from conventional wisdom, I find it prudent to ensure that you are: (i) un beholden to members of this agency; (ii) free from claims that you might be subject to any improper influence; (iii) free to conduct these investigations as you deem necessary; and, (iv) free to make impartial decisions regarding the levying of charges which might be warranted, if any. Though you are free to call upon me, or any others in this agency, for assistance, you are under no obligation to do so. You are likewise authorized, in your discretion, to associate with other law enforcement agencies, such as the Rangers, Sheriff's Office, etc.

Any person may rely on this Letter of Assignment as evidence of your authority in this matter.

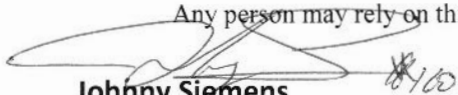

Johnny Siemens
Chief, Castle Hills PD

Exhibit A

CASTLE HILLS POLICE DEPARTMENT

Offense / Incident Report

GENERAL OFFENSE INFORMATION

Report Type: Cumulative Report

Agency	CASTLE HILLS POLICE DEPARTMENT	Location	209 LEMONWOOD DRIVE CASTLE HILLS TEXAS 78213
Case #	2019-06-0058		
File #			
Description	THEFT (All others)		
Incident Status	ACTIVE	From Date/Time	05/22/2019 15:46
		To Date/Time	05/22/2019 18:30
		Report Date	06/19/2019 15:03
Reporting Officer	TURNER 204, P.	Initial Rep. Date	06/19/2019 15:03

OFFENSE(S)

Offense	THEFT (ALL OTHERS)		
Statute	UCR		
Attempt Status	COMPLETED		
Offense Status	ACTIVE		
Location	GOVERNMENT/PUBLIC BLDG		
Computer	N	Alcohol	N
Weapons		Drug	N
Criminal Activity			
Bias Type		Bias Motivation	

COMPLAINANT

Name	TREVINO, JR		
Address		Phone	- - -
Race	Ethnic	Sex	DOB
Height	Weight	Hair	Eyes
S.S.N.	DL & St.	JRN#	

VICTIM(S)

Name	TREVINO, JR		
Address		Phone	- - -
Race	Ethnic	Sex	DOB
Height	Weight	Hair	Eyes
S.S.N.	DL & St.	JRN#	
Type of Victim	GOVERNMENT	Victim Of	NONE
		Injury Type	
Homicide/Assault Circumstance			

SUBJECT(S)

Name GONZALEZ, SYLVIA ANN					
Address [REDACTED]				Phone [REDACTED]	
Race	W	Ethnic	H	Sex	F
Height	5'01"	Weight	170	Hair	GRY
S.S.N.	__-__-__	DL & St.	[REDACTED] X	JRN#	
Sub. Type	SUSPECT	Arrest ID		Citation #	
Notes					

Name GONZALEZ, SYLVIA ANN					
Address [REDACTED]				Phone [REDACTED]	
Race	W	Ethnic	H	Sex	F
Height	5'01"	Weight	170	Hair	GRY
S.S.N.	__-__-__	DL & St.	[REDACTED]	JRN#	
Sub. Type	SUSPECT	Arrest ID		Citation #	
Notes					

PROPERTY

Property Category	DOCUMENTS/PERSONAL OR BUSINESS	Loss Type	EVIDENCE
Description	Petition		
Notes			
Make		Model	Style
Serial No / VIN			Color
Vehicle Year		Plate No/ State/ Type	
Loss Date		Loss Quantity	Loss Value
Rec Date		Rec Quantity	Rec Value
Drug Type		Drug Quantity	Drug UOM

Property Category	DOCUMENTS/PERSONAL OR BUSINESS	Loss Type	STOLEN/RECOVERED
Description	Petition		
Notes			
Make		Model	Style
Serial No / VIN			Color
Vehicle Year		Plate No/ State/ Type	
Loss Date		Loss Quantity	Loss Value
Rec Date	5/22/2019	Rec Quantity	Rec Value
Drug Type		Drug Quantity	Drug UOM

Case No: 2019-06-0058

Entered By TURNER 204, P.

Officer TURNER 204, P.

Supervisor

Incident # 2019-06-0058

TURNER 204, P.

Report Written by Sgt. P. Turner #204

On May 24, 2019 I was made aware by Chief Johnny Siemens of an incident that occurred during a city council meeting (continuation) on May 22, 2019. Chief advised me that City Mayor-JR Trevino would be contacting me in reference to the filing of a criminal complaint which surrounds allegation(s) that a sitting City Council Member, identified herein as SP, took without consent, a document/petition which belonged to the City and at that time was in possession of Mayor Trevino. I will be reviewing any and all video footage relevant to this case.

This case is currently under investigation. Nothing further.

Incident # 2019-06-0058 (1)

Zuniga 125,

On Tuesday, May 22, 2019 after sitting in on a continued Council Meeting which occurred at City Hall, 209 Lemonwood Dr. located in Castle Hills, Bexar County, Texas, I was summoned by Mayor Trevino and asked if I could ask Council Woman Gonzalez to check and see if she had picked up some paperwork that belonged to Mayor Trevino.

It was determined that Council Woman Gonzalez did pick up the paperwork and place it in the back of her meeting binder.

The paperwork was ultimately given to City Secretary M. Gonzalez.

Capt. E. Zuniga

Date of incident: May 22nd 2019

To: Sgt. Paul Turner

From: JR Trevino, Mayor

Complaint

On May 21st during the regularly scheduled council meeting at approximately 7:30 PM, Mr. Bob Anderson approached the dias on citizens to be heard pertaining to the City Manager's evaluation. Mr. Anderson then handed me a petition of "over 300 signatures" to remove the City Manager Ryan Rapelye. Mr. Anderson made a note to point out that these were signatures on paper, not digital signatures like the ones submitted in support of Mr. Rapelye. Councilmember Wenger, Councilmember Gonzales, and Councilmember Sanderson proceeded to ask the City Manager questions in relation to his position. After repeated questioning there was a motion to table the agenda item till the regularly scheduled council meeting in June.

The May 21st council meeting then went on to be recessed until the next day. I maintained all documents in my possession till the continuation of the meeting on May 22nd. On May 22nd at approximately 9:30 AM, City Secretary Melissa Gonzales called me and asked that I get her the petition because she had received open records requests for it. I asked the City Secretary if I could provide it at the continuation of the council meeting and she said that was fine. As per my usual, I arrived at the council meeting one hour early in preparation to review documents. On this occasion I reviewed the petition that Mr. Anderson submitted. During the May 21st council meeting a resident (Ms. Chalene Martinez) spoke on citizens to be heard expressing concern that she felt she was misled by Councilmember Gonzales, in an attempt to get her to sign the petition. Ms. Martinez' public comments weren't nearly as concerning as the statement that she provided to Mr. Rapelye via email.

Knowing that there was potential for deceit in the signatures I began to sift through the petition to validate the authenticity, attempting to recognize names of people that I believe supported Mr. Rapelye. In reviewing the multiple sheets, I removed the black binder clip that held all the sheets together. Once the meeting got closer to start, I replaced the binder clip and left in on my spot at the dias. During the meeting I noticed that the petition was gone. I was under the impression that the City Secretary had picked it up. Throughout the meeting I noticed that Councilmember Gonzales had a similar black binder clip in her council agenda packet. Not having a binder clip in my council agenda packet myself, I thought to myself that it could be the City's copy of the petition. It's important to note that there were no other papers on the dias. If there were papers at other Councilmembers desks, I could understand possibly removing all of the paperwork including the petition at my seat at the dias in a misunderstanding.

In the hustle and bustle of the meeting I forgot to follow up to see if it was the City's copy of the petition. After the council meeting the City Secretary asked me for the petition to fulfill the open records requests. It immediately clicked that she had not picked it up and the black binder

clip in Councilmember Gonzales binder was likely the City's copy of the petition. I turned around to see Councilmember Gonzales talking with Councilmember McCormick and Former Councilmember Amy McLin on the right side of the dias near the ramp. I went back up to the dias and Councilmember Gonzales' binder with the black binder clip was still on the desk in her spot.

Realizing that there may be a situation if I asked her to open her binder; I asked Captain Zuniga (who had been present for the council meeting) for his assistance. I quickly explained that I believed that she had the City's petition and that the black binder clip in her agenda binder closely resembled it. At this point Captain Zuniga very politely asked Councilmember Gonzales if she had taken the paperwork. Councilmember Gonzales said that she did not. Captain Zuniga then asked Councilmember Gonzales if she could look in her binder. Councilmember Gonzales proceeded to thumb through the first three quarters of her binder and said nothing here. Captain Zuniga then asked if she could look all the way in the back where the binder clip was located. At that point Councilmember Gonzales exposed the petition with no contest of its ownership.

Captain Zuniga then explained that I needed the petition to provide it to the City Secretary. Almost immediately Councilmember Wenger came up on the dias and tried to take the petition saying that she needed a copy. I explained that the City Secretary needed it and she could provide necessary copies. I find Councilmember Wenger's statement particularly concerning because Councilmember Wenger's husband is Bob Anderson, the gentleman that originally provided the petition. It is my belief that Councilmember Wenger and Gonzales knew that they were disingenuous with the solicitation of the petition. It is also my belief that they knew if we didn't have the petition, we couldn't validate it and ultimately blame Mr. Rapelye for mismanagement of documents, similar to the other situation where documents disappeared from Mr. Rapelye's office where Councilmember Wenger requested a criminal investigation.

History: This isn't the first time that this type of the situation has occurred with a petition. In ~2017 Councilmember Gregory put together a petition to offer a tax freeze for residents over 65. Ms. Bonnie Hopke was one of the residents that felt that the facts were misrepresented. Ms. Hopke came to the council meeting and lambasted Councilmember Gregory for his deceptive actions.

Follow up: On Friday May 24, 2019, during the EEOC report review Councilmember Gonzales came up to me as she was leaving and asked why I had to call the Police to get the paperwork back. I explained to Councilmember Gonzales that I didn't want to have any misunderstanding. She said that asking the Police (Captain Zuniga) made her feel intimidated. I apologized to her and explained that was the last thing that I wanted. She said well it did and it happens a lot around here. At that point I was a little taken back, specifically because I've never heard that our officers are intimidating. I told Councilmember Gonzales something along the lines that I was unaware of that type of action. She just shook her head in disbelief and went on her way. I can only assume that comment was made so that Councilmember Gonzales would have some kind of defense to her taking the City's copy of the petition.

Additional notes after reviewing the footage: When Councilmember Gonzales took the petition, it was on top of my binder. If she truly was under the impression that those documents were hers, I would have to believe that she would've taken the entire stack.

I bring this information to light because as the Mayor of the City of Castle Hills I have a responsibility to protect the City. My intent in filling this complaint is determine the motive of Councilmember Gonzales. As I have previously mentioned I have seen a variety of concerning actions during my short time as Mayor and I want to make sure that the City doesn't have individuals in positions of authority that are purposely and intentionally damaging the City.

End

**VOLUNTARY STATEMENT UNDER OATH
of Edward "JR" Trevino II**

Name: Edward "JR" Trevino II
Gender: Male
Cell Phone: [REDACTED]
Other Phone: [REDACTED]

I am the person identified above and I make this statement voluntarily. I **have not** been threatened or coerced to make this statement. I **have not** been promised anything in return for making this statement. This statement is true and accurate, and is based upon my personal knowledge or observations. I understand that this statement is being made to assist officers of the Castle Hills Police Department in the performance of their duties. **I also understand that it can be a crime to knowingly make a false statement to a peace officer or to an employee of a law enforcement agency (§37.08, Texas Penal Code).** I am over the age of eighteen, of sound mind, am competent, and am capable of making this affidavit, the facts of which I have personal knowledge and which I know to be true and correct. I hereby state as follows:

My name is Edward "JR" Trevino II and I am the elected mayor of the City of Castle Hills, Bexar County, Texas.

On May 21st during the regularly scheduled council meeting at approximately 7:30 PM, Mr. Bob Anderson approached the dais on citizens to be heard pertaining to the City Manager's evaluation. Mr. Anderson then handed me a stack of petitions "with over 300 signatures" to remove the City Manager Ryan Rapelye. As the Mayor and presiding officer of the meeting I accepted the documents into the City's possession. Pursuant to Castle Hills code of ordinances Sec. 2-299, it is my understanding that me receiving the documents effectively makes them government records. I later learned that there were 26 pages of petitions submitted to the City. Mr. Anderson made a note to point out that these were signatures on paper, not digital signatures like the ones submitted in support of Mr. Rapelye. Councilmember Wenger, Councilmember Gonzalez, and Councilmember Sanderson proceeded to ask the City Manager questions in relation to his position. The three Councilmember peppered the City Manager with the most ridiculous questions that were irrelevant to his performance. As I would expect, he answered all of the questions satisfactorily. So much so that in my opinion Councilmember Wenger felt that this approach was not going to work and she needed to restrategize on how to have grounds to publicly fire Mr. Rapelye. After repeated questioning there was a motion to table the agenda item till the regularly scheduled council meeting in June as had been done for numerous months.

The May 21st council meeting then went on to be recessed until the next day, it became obvious that the meeting would take several hours to finish and Councilmember Wenger did not want to stay later. I maintained all documents in my possession till the continuation of the meeting on May 22nd. On May 22nd at approximately 9:30 AM, City Secretary Melissa Gonzales called me and asked that I bring her the petitions because she had received open records requests for them. I asked the City Secretary if I could provide them at the continuation of the council meeting and she said that was fine. As per my usual, I arrived at the council meeting one hour early in preparation to review documents. On this occasion I reviewed the petitions that Mr. Anderson submitted. During the May 21st council meeting a resident (Ms. Chalene Martinez) spoke on

citizens to be heard expressing concern that she felt she was misled by Councilmember Gonzalez, in an attempt to get her to sign the petition. Ms. Martinez' public comments weren't nearly as concerning as the statement that she provided to Mr. Rapelye via email.

Knowing that there was potential for deceit in the signatures I began to sift through the petitions to validate the authenticity, attempting to recognize names of people that I believe supported Mr. Rapelye. In reviewing the multiple sheets, I removed the black binder clip that held all the sheets together. Once the meeting got closer to start, I replaced the binder clip and left in on my spot at the dais. During the meeting I noticed that the petitions were gone. I was under the impression that the City Secretary had picked them up. Throughout the meeting I noticed that Councilmember Gonzalez had a similar black binder clip in her council agenda packet. Not having a binder clip in my council agenda packet myself, I thought to myself that it could be the City's copy of the petitions. It's important to note that there were no other papers on the dais. If there were papers at other Councilmembers desks, I could understand possibly removing all of the paperwork including the petition at my seat at the dais in a misunderstanding. After reviewing the video footage I found it interesting that Councilmember Gonzalez only took the petition when there was a binder underneath. If she truly thought that those documents were hers, she would've taken the whole stack. Additionally, she conveniently tucked the documents away out of sight in her personal items.

In the hustle and bustle of the meeting I forgot to follow up to see if it was the City's copy of the petitions. After the council meeting had ended the City Secretary reminded me that she was still waiting for the petitions to fulfill the open records requests. It immediately clicked that she had not picked them up and the black binder clip in Councilmember Gonzalez binder were likely the City's copy of the petitions. I turned around to see Councilmember Gonzalez talking with Councilmember McCormick and Former Councilmember Amy McLin on the right side of the dais near the ramp. I went back up to the dais and Councilmember Gonzalez' binder with the black binder clip was still on the desk in her spot.

Realizing that there may be a situation if I asked her to open her binder; I asked Captain Zuniga (who had been present for the council meeting) for his assistance. I quickly explained that I believed that she had the City's petitions and that the black binder clip in her agenda binder closely resembled it. At this point Captain Zuniga very politely asked Councilmember Gonzalez if she had taken the paperwork. Councilmember Gonzalez said that she did not. Captain Zuniga then asked Councilmember Gonzalez if she could look in her binder. Councilmember Gonzalez proceeded to thumb through the first three quarters of her binder and said nothing here. Captain Zuniga then asked if she could look all the way in the back where the binder clip was located. At that point Councilmember Gonzalez exposed the petitions with no contest of its ownership.

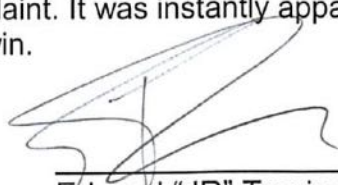
Captain Zuniga then explained that I needed the petitions to provide it to the City Secretary. Almost immediately Councilmember Wenger came up on the dais and took the petitions saying that she needed copies. I explained that the City Secretary needed them and she could provide necessary copies. I find Councilmember Wenger's statement particularly concerning because Councilmember Wenger's husband is Bob Anderson, the gentleman that originally provided the petitions. It is my belief that Councilmember Wenger and Councilmember Gonzalez knew that they were disingenuous with the solicitation of the petitions. It is also my belief that they knew if we didn't have the petitions, we couldn't validate it and ultimately blame Mr. Rapelye for mismanagement of documents; similar to the other situation where documents disappeared from Mr. Rapelye's office where Councilmember Wenger requested a criminal investigation. I find the

parallels extremely coincidental. In both situations Councilmember Wenger has someone else doing her work so that she can come and present the issue as an excuse for lack of ability to properly do a job. Similar to the way that she is attempting to terminate City Manager Ryan Rapelye. I have no doubt that if the petitions had been successfully taken, it would be cited as an additional reason to remove Mr. Rapelye.

History: This isn't the first time that this type of the situation has occurred with a petition. In ~2017 Councilmember Gregory put together a petition to offer a tax freeze for residents over 65. Ms. Bonnie Hopke was one of the residents that felt that the facts were misrepresented. Ms. Hopke came to the council meeting and lambasted Councilmember Gregory for his deceptive actions.

Follow up: On Friday May 24, 2019, during the EEOC report review Councilmember Gonzalez came up to me as she was leaving and asked why I had to call the Police to get the (City's) paperwork back. I explained to Councilmember Gonzalez that I didn't want to have any misunderstanding. She said that asking the Police (Captain Zuniga) made her feel intimidated. I apologized to her and explained that was the last thing that I wanted. She said well it did and it happens a lot around here. At that point I was a little taken back, specifically because I've never heard that our officers are intimidating. I told Councilmember Gonzalez something along the lines that I was unaware of that type of action. She just shook her head in disbelief and went on her way. I can only assume that comment was made so that Councilmember Gonzalez would have some kind of defense to her taking the City's copy of the petitions.

I bring this information to light because as the Mayor of the City of Castle Hills I have a responsibility to protect the City. My intent in filing this complaint is determine the motive of Councilmember Gonzalez. As I have previously mentioned I have seen a variety of concerning actions during my short time as Mayor and I want to make sure that the City doesn't have individuals in positions of authority that are purposely and intentionally damaging the City. I have never filed a criminal complaint myself and truthfully, I was hesitant to do so this time. My initial reaction was not to file the complaint and to document it with the City Attorney, as I did. However, after reflecting on the precedent that Councilmember Wenger had set, I was inclined to file the report and made initial contact with the Castle Hills Police. After witnessing Councilmember Wenger stealing the City Manager's personal identification numbers, I knew that I didn't have a choice to file the criminal complaint. It was instantly apparent to me that Councilmember Wenger would do whatever it takes to win.

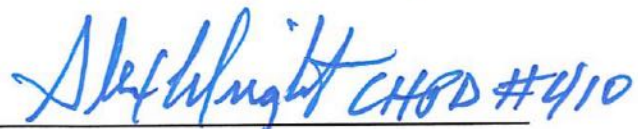


Edward "JR" Trevino II, Affiant

7/8/19

Date

SWORN TO and SUBSCRIBED before me this 8th day of July, 2019.



Peace Officer

(pursuant to §602.002(17), Texas Government Code)

**VOLUNTARY STATEMENT UNDER OATH
of Captain Esteban Zuniga, CHPD**

Name: Esteban Zuniga
Gender: Male

I make this statement voluntarily. I **have not** been threatened or coerced to make this statement. I **have not** been promised anything in return for making this statement. This statement is true and accurate, and is based upon my personal knowledge or observations. I understand that this statement is being made to assist officers of the Castle Hills Police Department in the performance of their duties. I **also understand that it can be a crime to knowingly make a false statement to a peace officer or to an employee of a law enforcement agency (§37.08, Texas Penal Code)**. I am over the age of eighteen, of sound mind, am competent, and am capable of making this affidavit, the facts of which I have personal knowledge and which I know to be true and correct. I hereby state as follows:

My name is Esteban Zuniga and I am a captain with the Castle Hills Police Department. On Wednesday, May 22, 2019 Chief J. Siemens asked me to attend a council meeting that was continued from the previous day so that council members could conclude some unfinished agenda items. Typically, if Chief Siemens is not able to attend, I will then substitute for him. This is a normal practice that occurs with all the Department heads such as the Fire Chief and Public Works Director whom are usually in attendance representing their respective departments. Each of us has a place at a particular table which are all set up in front of the dais. Department heads and the City Secretary tables are to the right while the City Manager and City Attorney table is to the left (if one was facing the dais from the audience). The meeting continued as scheduled and concluded shortly after 1800 hours.

The City Manager asked me to assist the City Secretary in locking up as he needed to leave for other business. I said sure. I went to the back and proceeded to adjust the air conditioners and then began to turn off rows of lights. I then waited in the back or entrance to the council room for people to leave so that I could turn the rest of the lights off and lock the doors.

While waiting in the back or entrance, I noticed Mayor Trevino motioning to me to go to the dais. I then proceeded to the dais and made contact with Mayor Trevino. Mayor Trevino asked if I would ask councilperson Sylvia Gonzalez if she would look in her meeting notebook to see if she had picked up some paperwork from his portion of the dais. Mayor Trevino stated that the paperwork was bound by a black blinder clip. Mayor Trevino remained in the area near where he typically sits while I approached Mrs. Gonzalez to within two to three feet and while she was speaking with Mrs. Amy McLin (who is a former councilperson and citizen). Without trying to interrupt, I simply asked Mrs. Gonzalez if she had by chance picked up some paperwork which had been at Mayor Trevino's portion of the dais, and if she could take a look. Mrs. Gonzalez stated "well I don't think so." I turned around and walked in front of Mrs.



Gonzalez as she followed to her seat area at the dais. Mrs. Gonzalez began slowly paging through her meeting notebook and stated she didn't believe she had picked up anything. I could clearly see a black binder clip towards the back of her notebook at which time Mayor Trevino and I both pointed it out to her. Mrs. Gonzalez then proceeded to pull that paperwork out and stated that she thought they were extras but didn't clarify what she meant by extras. It seemed to me to be contradictory that Mrs. Gonzalez would first tell me she didn't have anything, and then next tell me that she thought they were extras. I then clearly observed that the paperwork was a petition to reinstate Diane Pheil as City Manager, and it said so on the front page.

Almost as fast as Mrs. Gonzalez pulled the paperwork out from her meeting notebook, councilperson Lesley Wenger came up and urgently said that she would take the paperwork. I found it really odd that Mrs. Wenger wanted to take possession of a packet of paperwork so urgently without knowing what it was. At that point, no one knew what the paperwork was except for Mayor Trevino, Mrs. Gonzalez, and myself. The city secretary (Melissa Gonzalez) then approached the dais, learned what the paperwork was, and stated that she needed the paperwork because it was an official city document. Councilperson Wenger then said she would take the paperwork, make copies and provide them to the City Secretary. The City Secretary then stated no, and said that she would take the paperwork and make copies for Mrs. Wenger. Mrs. Wenger then handed the paperwork to the City Secretary, in what I sensed to be a reluctant manner.

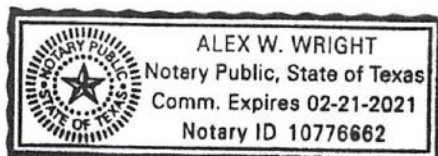
These statements are true and correct to the best of my memory.



Esteban Zuniga, Affiant

7/2/19
Date

SWORN TO and SUBSCRIBED before me this 2nd day of July, 2019.





Notary Public in and for the State of Texas

VOLUNTARY STATEMENT UNDER OATH

Name: QUILANTAN, JESUS A.; Gender M; Date of Birth: [REDACTED]
Address: [REDACTED] CASTLE HILLS TX, 78213
Cell Phone: [REDACTED]; Other Phone: NIA

I am the person whose name is listed above and I make this statement voluntarily. I **have not** been threatened or coerced to make this statement. I **have not** been promised anything in return for making this statement. This statement is true and accurate, and is based upon my personal knowledge or observations. I understand that this statement is being made to assist officers of the Castle Hills Police Department in the performance of their duties. **I also understand that it can be a crime to knowingly make a false statement to a peace officer or to an employee of a law enforcement agency (§37.08, Texas Penal Code).** I am over the age of eighteen, of sound mind, am competent, and am capable of making this affidavit, the facts of which I have personal knowledge and which I know to be true and correct. I hereby state as follows:

One evening, city council member Sylvia Gonzalez made a residential visit to the above address to garner support, in the form of signatures (see Exhibit A), for a petition of political purpose. At the time of occurrence, the only persons in the residential dwelling were Karina Quilantan (11 years old), Noah Quilantan (17 years old), and myself. I had answered the door and recognized Sylvia because she had made visits to the residence on earlier occasions. I was comfortable in her presence and trusted her to the extent that I had invited her into the house as my parents, Jesus A. Quilantan Sr. and Sandra A. Quilantan, had done before—she declined stating her pet was in

VOLUNTARY STATEMENT UNDER OATH

the car, waiting. Sylvia then presented me with the aforementioned petition (Exhibit A) and told me the gist of her reasoning for starting it — the city manager hadn't kept certain promises that were made and the petition served to have him removed and replaced. As she was explaining this, she simultaneously handed me Exhibit A, which was placed on a clipboard. Knowing my parents had supported her — they had her sign posted on the front lawn — for election, I deduced they'd also support Sylvia's petition (Exhibit A). She then asked if my parents were home and upon learning that they weren't, she attempted calling my father but was unsuccessful. She did not leave a voicemail. She then stated I could sign for my parents saying they wouldn't mind so, because I trusted Sylvia, I did.

Jesus A. Oulatan Jr.
Signature of Affiant

20190707
Date

SWORN TO and SUBSCRIBED before me this 7th day of July, 2019.

Alex Wright, Peace Officer
(pursuant to §602.002(17), Texas Government Code)

Voluntary Statement—Page 2 of 2

Initials of Affiant: JO

Exhibit F

A Petition to Castle Hills City Council
FIX OUR STREETS
Reinstate former City Manager Diane Pfeil

- Due to our size and selected form of government, our city has always relied on the city manager to oversee construction projects.
- From 2014-2016, City Manager Diane Pfeil oversaw, from start to finish, over a dozen street projects including Herweck, Honeysuckle, Twinleaf, Gladiola, Zornia, Krameria, Tamworth and Castle Lane (which had a drainage component).
- All were completed on time and on budget.
- After Diana Pfeil's departure only one street project remained—Danube. Construction projected to last 90 days took 13 months to complete and taxpayers paid an extra \$260,000 in cost overruns.
- During the next three years, various city managers talked about streets, made up priority lists and paid for expensive engineering studies. None have fixed a single street.
- Diane Pfeil proved that she could both administer the city's mandated services of public safety, code enforcement, finance, municipal court and public information and still supervise and complete all of the projects undertaken during her tenure.

In the interest of restoring effective management, we the undersigned petition for the reinstatement of Diane Pfeil as City Manager of Castle Hills:

<u>Print Name</u>	<u>Signature</u>	<u>Street Address</u>
ARTEMISA G. VALADEZ	<i>Artemisa G Valadez</i>	105 Chattington CT
OLGA GUEVARA	<i>Olga Guevara</i>	107 Chattington Ct
ESTHER TOSCANO	<i>Esther L. Toscano</i>	113 Wickford Way
GENE TOSCANO	<i>Gene Toscano</i>	113 Wickford Way
JOSEPH GONZALEZ	<i>Joe Gonzalez</i>	103 WICKFORD WAY
JESUS A. QUILANTAN JR.	<i>Jesus A. Quilantan Jr</i>	206 CHATTINGTON CT
JESUS A. QUILANTAN SR.	<i>Jesus A. Quilantan Sr</i>	206 CHATTINGTON CT
SANDRA QUILANTAN	<i>Sandra Quilantan</i>	206 CHATTINGTON CT
JOHN BROWNING	<i>John Browning</i>	110 Riviera Drive
JANIS JAROSEK	<i>Janis Jarosek</i>	110 Riviera Dr.

VOLUNTARY STATEMENT UNDER OATH

Name: Chalene Martinez; Gender F; Date of Birth: [REDACTED]
Address: [REDACTED]
Cell Phone: [REDACTED]; Other Phone: [REDACTED]

I am the person whose name is listed above and I make this statement voluntarily. I **have not** been threatened or coerced to make this statement. I **have not** been promised anything in return for making this statement. This statement is true and accurate, and is based upon my personal knowledge or observations. I understand that this statement is being made to assist officers of the Castle Hills Police Department in the performance of their duties. I **also understand that it can be a crime to knowingly make a false statement to a peace officer or to an employee of a law enforcement agency (§37.08, Texas Penal Code)**. I am over the age of eighteen, of sound mind, am competent, and am capable of making this affidavit, the facts of which I have personal knowledge and which I know to be true and correct. I hereby state as follows:

Monday evening Mrs Gonzalez rang → 5/13/19 am
my door bell requesting signatures for
a petition to be signed for our streets. I was
interested in signing because I am
concerned about some of our street
conditions. As she handed me the pen
she said sign this petition then to get
rid of our City Manager. The statement
startled me because I thought we were
talking about the streets. I asked her
what do you mean and she said well
he's not doing anything about it so
we needed to get rid of him. I told her
I wasn't comfortable signing because I
didn't agree with her statement. She
then asked what I thought he had done that
was good. We continued our discussion about

VOLUNTARY STATEMENT UNDER OATH

the City Manager and she went on to tell me "insider" information about what is going on at City Hall. She told me a City of Castle Hills employee had been arrested on the City Manager's orders for a missing file. That the arrest was unnecessary and the police officers came into the woman's place of work to arrest her with their guns. I ~~told~~^{asked} her "and?" She said ^{an} well imagine being arrested like that and she was a "Hispanic" woman. At this point I felt Mrs. Gonzalez was trying to persuade my decision to sign the petition against the City Manager. I still told her I didn't want to sign. However, she continued with "insider" information telling me that only certain people were privileged to information and she wasn't able to do her job as a Council person because they didn't give her the resources she needed. I still refused to sign and told her I needed to conduct my own research. I felt she was disappointed in my response because her final words to me were "well if that's how you feel, that's your right." She then left.

VOLUNTARY STATEMENT UNDER OATH

After leaving from my front porch and speaking to my husband, I felt the stories Mrs Gonzalez shared were a fabrication of the truth and she was trying to be damaging to the City Manager's reputation.

Chalene Martinez
Signature of Affiant

July 7, 2019
Date

SWORN TO and SUBSCRIBED before me this 7th day of July, 2019.

Alex Wright
Alex Wright, Peace Officer
(pursuant to §602.002(17), Texas Government Code)

Meeting regarding criminal complaint

From: Alex Wright ([REDACTED])
To: [REDACTED]
Date: Monday, June 24, 2019, 02:15 PM CDT

Ms. Gonzalez,

I called you this morning at [REDACTED] and left you a message. If there is a different number you would like me to use, please let me know.

I have been assigned as the lead investigator regarding a criminal complaint which has been lodged against you. This complaint alleges that, during the May 22, 2019 city council meeting, you inappropriately took citizens' petitions away from city custody.

I am still gathering information regarding this complaint and I have not yet determined if a crime has been committed. In fact, I haven't even reviewed the video recordings of the event yet and was hoping to talk to you first and hear your explanation.

I was assigned to this matter because of my unfamiliarity with you, the complainant, and Castle Hills city government in general. To my knowledge I have never met you. I will be conducting a fair, thorough, and impartial investigation, which will be greatly aided if you will consent to meet with me. Part of every criminal investigation involves gathering all versions of events, and yours is particularly relevant in this case. Whether we actually meet, however, is up to you.

My goal in meeting with you is to obtain facts which will assist me in determining whether or not a crime has actually been committed. Having your perspective on the matter would be very helpful in that regard. If you choose not to meet with me, then I will proceed in my investigation without knowing your version of events.

Should you choose to meet with me, you are welcome to bring your attorney along with you. Our meeting will be recorded so that there will be no misunderstandings about what transpires. Further, my promise to you is that you will be free to leave our meeting when it is over. This means that no matter what we discuss, or what you say, you will not be arrested at our meeting for any crimes arising out of the above-described incident. This will be strictly an information gathering meeting.

Please let me know (or have your attorney let me know) if you are willing to meet and discuss the above allegations against you.

My email address and mobile phone number are listed in my signature block, below.

~~~~~  
Regards,

Alex Wright  
Special Detective, Badge #410

Castle Hills Police Department  
209 Lemonwood Dr.  
Castle Hills, Texas 78213  
E-Mail: [REDACTED]  
Dispatch: (210) 342-2341  
Mobile: [REDACTED]



## Castle Hills Police Department

209 Lemonwood Dr.  
Castle Hills, Texas 78213  
210-342-2341  
Fax 210-342-5358



JOHNNY SIEMENS  
CHIEF OF POLICE

June 28, 2019

Sylvia Ann Gonzalez  
[REDACTED]  
Castle Hills, TX 78213

Dear Ms. Gonzalez:

As an independent special detective, I am brought in to investigate sensitive matters that are best kept away from the regular CHPD chain of command. In fact, my job is to stay neutral and detached from the police department, its officers, and city government in general. I do not work alongside CHPD officers, I do not answer to them, I do not socialize with them, and, in fact, I don't even know most of their names. Although this makes me unpopular, it is by design—so that when I am called upon it can't be argued that I have allegiances to anyone, or anything, other than seeing that justice gets done. This gives me the freedom to investigate impartially.

I have attempted to reach you by telephone and by email as part of my efforts to schedule an interview with you. I am conducting an independent investigation into an allegation that, during the May 22, 2019 city council meeting, you inappropriately took citizens' petitions away from city custody. Of course, you are under no obligation to meet with me, but if I don't hear from you then I will have no way of evaluating your version of events. In that case, I will simply proceed in my investigation without your input.

I do not wish to cause any inconvenience which is more than necessary. If you would prefer that I contact your attorney, please give me his or her contact information—or simply give this letter to your attorney and ask him or her to contact me. I may be reached on my mobile phone, or by e-mail, both of which are listed below my signature block. I look forward to hearing from you or your attorney.

Regards,

Alex Wright  
Special Detective, Badge #410

E-Mail: [REDACTED]  
Mobile: [REDACTED]





## Castle Hills Police Department

209 Lemonwood Dr.  
Castle Hills, Texas 78213  
210-342-2341  
Fax 210-342-5358



JOHNNY SIEMENS  
CHIEF OF POLICE

July 12, 2019

Sylvia Ann Gonzalez

[REDACTED]  
Castle Hills, TX 78213

### RE: Courtesy Invitation

Dear Ms. Gonzalez:

As you know, I have previously invited you to visit with me regarding the Theft allegations pending against you. While I was under no obligation to disclose the nature of this investigation to you, I did so out of courtesy. When you previously declined to speak to me I had no choice but to proceed with my investigation—without the benefit of your input.

I am writing today because these are very serious allegations and I want to be absolutely sure that you have the opportunity to tell me your version of events before conclusion of this investigation, which is imminent.

I hope you will strongly consider this invitation to meet with me. Even if you don't want to talk, it may very well be to your benefit to hear what I have to say. If you would like to give me your version of events, this may be your final opportunity to do so before this case concludes.

You are welcome to bring along your attorney or a trusted family member (i.e.—husband, daughter, or son) to this meeting. As an alternative, if you would rather not attend, I will be happy to meet with just your attorney or your trusted family member. You are not under any obligation to meet with me—this is merely an offer.

In any case, I may be reached on my mobile phone, or by e-mail, both of which are listed beneath my signature block, below.

Regards,

*Alex Wright #410*

Alex Wright  
Special Detective, Badge #410

E-Mail: [REDACTED]

Mobile: [REDACTED]

Exhibit J