

CAUSE NO. _____

IN THE COURT OF APPEALS
FOURTH JUDICIAL DISTRICT
SAN ANTONIO, TEXAS

FILED IN
4th COURT OF APPEALS
SAN ANTONIO, TEXAS
6/6/2025 10:46:02 AM
CAITLIN A. MCCAMISH
Clerk of Court

IN RE KARLA CASTILLON DURAN

Original Proceeding from the 288th Judicial District Court of
Bexar County, Texas No. 2024CI03892
The Honorable Cynthia Chapa, Judge Presiding

**PETITION FOR WRIT OF MANDAMUS
AND EMERGENCY MOTION FOR STAY**

Respectfully Submitted,

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NO ORAL ARGUMENT IS REQUESTED

DESIGNATION OF LEAD APPELLATE COUNSEL

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¹ Because of Bexar County's unique docket system, several district judges have issued orders in this cause of action, including Judges Alvarado and Gonzales. Ironically, the assigned Judge Cynthia Chapa has never presided over the matter or issued an order in this cause of action. However, the "Order and Notice of Trial Setting" (MR 0024) is the order from which the Relator seeks relief, which necessarily requires Judge Gonzales to be the Respondent.

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THE RECORD AND NOTATION TO CITATION

Citation to Appendix Documents attached to the end of this brief will be cited as (“MR” i.e. “Mandamus Record”) and page number.

STATEMENT OF THE CASE

<i>NATURE OF THE CASE</i>	The removal of Relator from the Northside Independent School District Board of Trustees.
<i>TRIAL COURT</i>	288 th Judicial District Court of Bexar County, Texas.
<i>TRIAL COURT DISPOSITION</i>	Pre-trial
<i>JUDICIAL RESPONDENT</i>	The Honorable Norma Gonzales, Jury Monitoring Judge, 131st Judicial District, Bexar County.

STATEMENT OF RELIEF

Respondent issued an order setting a jury trial date of July 7, 2025 at 8:30 AM, but trial cannot commence because only county attorneys may prosecute removal actions of certain local elected officials. Relator seeks an emergency stay of trial, vacatur of the “Order and Notice of Trial”, and dismissal of this cause of action.

STATEMENT REGARDING ORAL ARGUMENT

Relator is not requesting oral argument.

STATEMENT OF JURISDICTION

This Court has jurisdiction to issue a writ of mandamus against a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district. Tex. Gov't Code § 22.221 (b).

ISSUES PRESENTED

Issue 1: Mandamus is appropriate because the lower court's order setting trial violates Tex. Loc. Gov't Code § 87.018 (d), which requires that the county attorney of Bexar County shall represent the State in a proceeding for the removal of certain local elected officials.

STATEMENT OF FACTS

Relator Karla Castillon Duran is a member of the Board of Trustees of the Northside Independent School District. MR 0002. On or about, September 3, 2023, Relator was arrested and charged for driving under the influence of alcohol. *Id.* That criminal case has been dismissed and the now closed.² After Relator's criminal case had been dismissed and closed, Real Party in Interest Robert Gonzalez filed his original petition seeking the removal of Relator for intoxication. MR 0002. Pursuant to Tex. Loc. Gov't Code § 87.016, Judge Nicole Garza, 37th District Court, signed and issued an order requiring Karla Castillon Duran "to appear and answer the petition on March 25, 2024, after the fifth day after the date the citation is served." MR 0006. Relator filed a General Denial and Plea to the Jurisdiction, outlining the jurisdictional requirement that the county attorney prosecute this case. MR 0008; *see also* Tex. Loc. Gov't Code § 87.018(d).

A few months later, Gonzalez sought a hearing seeking the interim removal of Duran pending trial. MR 0013. The hearing was held and the interim relief was denied without prejudice. MR 0017. Undeterred, Gonzalez sought to set a jury trial despite making no effort to ensure that the county attorney would prosecute this

² Docket Sheet, *State of Texas v Karla Castillon Duran*, Case No. CC 716359, Bexar County, County Court-at-Law #4, publicly available at: <https://portal-txbexar.tylertech.cloud/app/RegisterOfActions/#/7FBC3050FB23F50E74EE18CC0F43EAA46506C7374D949A3991FC29D1566E22D4D34AB537CD9DB213981F417A931D967448EFA845F883A121DBD80D4626C8ED0DC94C4489169DF728B9798D3D383EC591/anon/portalembd> (last accessed June 6, 2025).

matter. MR 0019. Respondent, Judge Norma Gonzales, issued an “Order and Notice of Trial Setting” for July 7, 2025 at 8:30 AM. MR 0024.

In Bexar County, the criminal District Attorney “has all the powers, duties, and privileges ... that are conferred by law on district and county attorneys.” Tex. Gov’t Code § 44.115. Thus, the District Attorney must represent the State in removal actions under Chapter 87. Tex. Gov’t Code § 44.115. At this time, the District Attorney nor his designee has made an appearance in this cause of action and will not participate in the prosecution of this removal action.

SUMMARY OF THE ARGUMENT

SUMMARY TO ISSUE ONE

The Trial Court abused its discretion in setting trial to remove the Relator from her position as a school board trustee, because the Bexar County District Attorney—who serves as the county attorney for these purposes—has not and will not prosecute the removal at trial, and only that official may represent the State in such an action under Texas law. See Tex. Loc. Gov’t Code § 87.018 (d).

ARGUMENT

ISSUE 1: Mandamus is appropriate because the lower court's order setting trial violates Texas law on the removal of public officers and is an abuse of discretion.

THE COURT SHOULD ISSUE THE WRIT OF MANDAMUS, VOID THE UNLAWFUL ORDER SETTING TRIAL, AND DISMISS THIS CASE FOR LACK OF A NECESSARY PARTY, THE COUNTY ATTORNEY

Mandamus Standard

“Mandamus is an extraordinary remedy that will issue to correct a clear abuse of discretion only if the relator lacks an adequate appellate remedy.” *In re Nitla S.A.*, 92 S.W.3d 419, 422 (Tex. 2002); *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992). Mandamus is appropriate to order a trial court to vacate a void order.³ Void orders can be challenged by mandamus, even if other remedies are available. *E.g.*, *In re Southwestern Bell Tel. Co.*, 35 S.W.3d 602, 604 (Tex. 2000) (absence of appellate remedy not necessary to set aside void order by mandamus); *Geary v. Peavy*, 878

³ See, e.g. *In re Mask*, 198 S.W.3d 231 (Tex. App.—San Antonio 2006)(order granting temporary guardianship void because court did not have jurisdiction); *South Main Bank v. Wittig*, 909 S.W.2d 243, 244 (Tex. App. —Houston [14th Dist.] 1995, orig. proceeding) (order of reinstatement void because it was signed after expiration of plenary power); *In re Dickson*, 987 S.W.2d 570, 571 (Tex. 1998) (orig. proceeding) (per curiam) (“Mandamus is appropriate to set aside an order for new trial that is granted after the court’s plenary power expires and that is, therefore, void.”); *Bd. of Disciplinary App. v. McFall*, 888 S.W.2d 471, 472–73 (Tex. 1994) (orig. proceeding) (per curiam) (granting mandamus to correct a void order, which was an abuse of discretion and left the party with no adequate remedy on appeal).

S.W.2d 602, 603 (Tex. 1994) (in child custody case, absence of adequate remedy not necessary to resolve unique jurisdictional dispute).

To be entitled to mandamus relief, a relator must generally meet two requirements. First, the relator must show that the trial court clearly abused its discretion. *In re Prudential Insurance Company of America*, 148 S.W.3d 124, 135 (Tex. 2004). A trial court abuses its discretion when it acts arbitrarily, capriciously, and without reference to guiding principles. *In re Green*, 527 S.W.3d 277, 279 (Tex. App.—El Paso December 2, 2016, orig. proceeding); *Mid-Century Insurance Company of Texas*, 426 S.W.3d 169, 178 (Tex.App.—Houston [1st Dist.] 2012, orig. proceeding). Second, the relator must establish it does not have an adequate remedy by appeal. *In re Prudential*, 148 S.W.3d at 135-36; *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex.1992). A trial court also abuses its discretion if it fails to analyze or apply the law correctly. *Id.* at 840.

Respondent's order setting trial to remove Relator without prosecution or appearance by the county attorney is an abuse of judicial discretion and has left the Relator with no adequate remedy by appeal.

Texas law requires that the removal of a School Board Trustee must be prosecuted by the County Attorney

The Constitution mandates that the Legislature shall provide by law the procedure to be used in a removal proceeding. Tex. Const. art. 15, § 7. The

Legislature first enacted removal procedures in 1911 upon passage of Chapter 87's statutory predecessor, articles 5973 through 5985 of the Texas Revised Civil Statutes. *See* Tex. Rev. Civ. Stat. Ann. arts. 5973-5985 historical cmt. (Vernon 1968), repealed by Act of 70th Leg., ch. 149, § 49(1) (1987).

Now, Texas law allows private citizens to seek removal certain local officials by filing a petition in district court. Tex. Loc. Gov't Code § 87.015 (a); MR 0027. A petition for removal of an officer other than a prosecuting attorney may be filed by any resident of this state who has lived for at least six months in the county in which the petition is filed and who is not currently under indictment in the county. *Id.* § 87.015(b). The petition must be sworn. *Id.* After the petition is filed, the person filing the petition shall apply to a district judge for an order requiring citation and a certified copy of the petition to be served on the officer. Tex. Loc. Gov't Code § 87.016; MR 0028. If the judge refuses to issue citation, then the case shall be dismissed. *Id.* § 87.016(c). After issuance of the order and citation, the district judge may then temporarily suspend the officer and appoint another person to perform the duties of the office temporarily awaiting trial. Tex. Loc. Gov't Code § 87.017; MR 0028.

School Board trustees are among the local elected officials that may be removed pursuant to Chapter 87 of the Local Government Code. *See* Tex. Loc. Gov't Code § 87.012(14). Officers may only be removed following a trial by jury.

Tex. Loc. Gov't Code § 87.018 (a); MR 0029. Pursuant to Section 87.018, an officer can only be removed following a jury trial, conducted “in the name of the State of Texas, and on the relation of the person filing the petition.” *Id.* § 87.018(b). Most importantly for the purposes of this petition, Texas law requires the county attorney to represent the State in a proceeding for the removal of an officer with certain exceptions. Tex. Loc. Gov't Code § 87.018(d); MR 0030. Those exceptions do not apply in this instance. *Id.* § 87.018 (e), (f). Accordingly, the county attorney only becomes involved in a removal proceeding after the point in time that the district court grants a resident-filer's written application.⁴ That has not happened in this instance.

Civil removal actions made under Chapter 87 of the Local Government Code are poorly understood because of their rarity. The jurisprudence associated with these removal actions, however, is clear. “Individual citizens have no private interest distinguishable from the public as a whole and have no right to maintain an ouster suit without being joined by a proper state official.” *Garcia v. Laughlin*, 285 S.W.2d 191, 194 (Tex. 1955) (orig. proceeding). Indeed, without the proper joinder of the proper state official, the resident-filer cannot even engage in pre-trial discovery. “The question in this mandamus proceeding is whether, *without joinder*

⁴ This arrangement is, of course, distinctly different from other types of matters, such as criminal prosecutions, where the district attorney or county attorney, working with law enforcement, has the exclusive right to investigate and initiate a criminal proceeding.

of a proper state official, individual citizens may obtain pre-suit discovery under Rule 202, TEX.R. Civ. P., to investigate grounds for removal of a county official. We answer no and conditionally grant relief.” *In re Wolfe*, 341 S.W.3d 932, (Tex. 2011) (emphasis added). As recently as 2018, the Texas Supreme made clear that “[t]he removal statute authorizes any Texas resident who has lived in a county for at least six months to file a petition to remove certain county officers from office ...[b]ut it also requires the county attorney to “represent the state” in any removal proceedings that take place.” *State ex rel. Best v. Harper*, 562 S.W.3d 1 (Tex. 2018). Resident-fillers can file suit, but they cannot remove the officer. In this case, the county attorney has taken no action and will take no action. Any further action in furtherance of removal without the county attorney representing the State is void.

In short, the Real Parties in Interest have no authority to remove the Relator. Chapter 87 of the requires that “[t]he trial for removal of an officer... shall be conducted ... in the name of the State of Texas and on relation of the person filing the petition.” Tex. Loc. Gov’t Code § 87.018(b). Next, it requires that the state must be represented by the county attorney. *Id.* §87.018(d). This has not happened in this case and will not happen. Any further action toward trial is a nullity and the order setting trial of a removal action without the State being represented by the

statutorily authorized prosecutor is not merely erroneous—it is void *ab initio*. See *In re Smith*, 333 S.W.3d 582, 585 (Tex. 2011).

No Adequate Remedy at Law

Trial will commence on July 7, 2025. MR 0024. Relator lacks an adequate remedy at law. As the Texas Supreme Court has consistently held, mandamus relief is appropriate when a party is unable to obtain meaningful appellate review of an erroneous order, particularly where the harm is irreparable and cannot be remedied through ordinary appeal. See *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 136 (Tex. 2004) (“An appellate remedy is not inadequate merely because it may involve more expense or delay than obtaining an extraordinary writ, but ... when the benefits outweigh the detriments, appellate courts must consider whether the appellate remedy is adequate.”).

Here, Relator challenges a judicial act that directly violates statutory limits on removal proceedings under Texas Local Government Code Chapter 87, specifically Sections 87.015 and 87.018(d), which vest exclusive authority to initiate such actions in the county or district attorney. Texas courts have long held that unauthorized removal proceedings impair the integrity of public office and circumvent constitutionally and statutorily prescribed procedures. See *Garcia v. Laughlin*, 285 S.W.2d 191, 194–95 (Tex. 1955); *In re Wolfe*, 341 S.W.3d 932, 933 (Tex. 2011).

Mandamus is appropriate to restrain *ultra vires* or void proceedings that exceed the trial court’s jurisdiction. *See In re State ex rel. Best v. Harper*, 562 S.W.3d 1, 6–7 (Tex. 2018) (granting mandamus where removal action proceeded without statutory authority); *In re Union Pac. R.R. Co.*, 294 S.W.3d 589, 595 (Tex. 2009) (mandamus lies where a party is forced to “suffer disruption of its business and loss of substantial rights” without appellate remedy).

If this Court does not intervene, Relator will be forced to undergo a removal proceeding initiated without the statutory predicate of state prosecution. Such a proceeding is not merely erroneous — it is void. *See In re Smith*, 333 S.W.3d 582, 585 (Tex. 2011) (“Mandamus will issue when the trial court issues an order beyond its legal authority.”). Because there is no adequate remedy by appeal from the denial of jurisdictional protections under Chapter 87 — and because permitting a removal suit to proceed without proper state authority imposes substantial public and personal burdens on Relator — mandamus is both necessary and proper.

Emergency Relief is Necessary

Emergency relief is warranted because, absent intervention from this Court, Relator will be forced to endure a statutorily unauthorized removal proceeding that threatens immediate, irreparable harm to both Relator and the integrity of public office. A proceeding commenced in violation of Texas Local Government Code

Chapter 87 — particularly Sections 87.015 and 87.018(d), which vest exclusive authority in the county or district attorney — is not merely voidable but void. *See In re State ex rel. Best v. Harper*, 562 S.W.3d 1, 6 (Tex. 2018); *Garcia v. Laughlin*, 285 S.W.2d 191, 194–95 (Tex. 1955).

Unless stayed, the trial court will proceed under color of law in an action that exceeds its jurisdiction, exposing Relator to reputational harm, unwarranted litigation costs, public stigma, and political retaliation — all without lawful basis. These injuries are not compensable by appeal. *See In re Smith*, 333 S.W.3d 582, 585 (Tex. 2011) (mandamus appropriate where trial court acts without jurisdiction); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 136 (Tex. 2004) (extraordinary relief is warranted when appellate remedy is inadequate due to irreparable harm).

This Court has the authority to issue emergency relief, including a stay, to preserve its jurisdiction and prevent the disruption of official duties. *See Tex. R. App. P. 52.10(b)*. The requested relief will maintain the status quo and prevent the trial court from proceeding on an unlawful basis until the merits of this petition can be decided.

Without immediate relief, Relator will suffer an abuse of judicial process that cannot be undone. The need for emergency intervention is compelling, and the Court's supervisory power is properly invoked to prevent a jurisdictional overreach

that undermines constitutional and statutory limits on the removal of public officials.

PRAYER

Relator prays that this Appellant Court either:

- (1.) grant emergency relief staying the Trial setting on July 7, 2025;
- (2.) grant this mandamus and vacate the order setting trial; and
- (3.) issue a writ of mandamus directing the trial court to vacate its Order Setting Trial and to dismiss the underlying removal proceeding for want of jurisdiction, because the State of Texas—through the Bexar County District Attorney—has not appeared as required under Tex. Loc. Gov’t Code § 87.018(d).

/s/ Martin Golando

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ATTORNEY FOR RELATOR

KARLA CASTILLON DURAN

CERTIFICATE OF COMPLIANCE

Based on a word count run in Microsoft Word 2013, this brief contains 3,745 words, excluding the portions of the brief exempt from the word count under Texas Rules of Appellate Procedure 9.4(i)(1).

/s/ Martin Golando
Martin Golando

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Petition for Writ of Mandamus was sent to the Real Party in Interest, Robert Gonzalez, through his attorney of record, Francisco Canseco, to his email address at frcanseco@gmail.com. In addition, a true and correct copy of the foregoing Petition for Writ of Mandamus was sent to Respondent to her Clerk of Court, Jennifer Valencia, through her email address Jennifer.valencia@bexar.org.

/s/ Martin Golando
Martin Golando

AFFIDAVIT OF SWORN APPENDIX AND RECORD

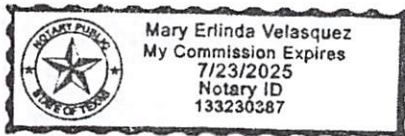
STATE OF TEXAS COUNTY OF BEXAR

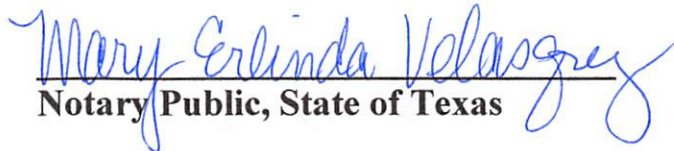
Before me, the undersigned authority, on this day personally appeared Martin Golando, known to me to be the person whose signature appears below, and upon his oath duly deposed and said:

"My name is Martin Golando. I am over the age of 21 years old and am fully competent to make this affidavit. I am licensed to practice in the State of Texas by the Supreme Court of Texas. My license has never been suspended or revoked. I am counsel for Relator Karla Castillon Duran, in connection with the removal action in the 131st Judicial District Court. The order and related documents contained in Relator's Appendix are true and correct copies of the originals of each document or alternatively, are certified copies of such items obtained from the district clerk of Bexar County. This is my complete statement."


Martin Golando

SWORN TO AND SUBSCRIBED before me this 6 day of June 2025.




Notary Public, State of Texas

MY COMMISSION EXPIRES: 07-23-2025

APPENDIX

APP.		ITEM
1.		Plaintiff's Original Petition
2.		Order Pursuant to Tex. Loc. Gov't Code § 87.016
3.		Defendant's General Denial and Plea to the Jurisdiction
4.		Plaintiff's Motion for Hearing for Interim Removal of Duran
5.		Judge's notation denying Motion for Interim Removal without prejudice
6.		Notice of Hearing to Set Jury Trial Setting
7.		Relevant Portions of Tex. Loc. Gov't Code Chapter 87

2024CI03892

CAUSE NO. _____

ROBERT C. GONZALEZ,

Plaintiff

V.

KARLA CASTILLON DURAN,

Défendant

IN THE DISTRICT COURT

____ **JUDICIAL DISTRICT**

BEXAR COUNTY, TEXAS



PLAINTIFFS ORIGINAL PETITION
FOR
REMOVAL FROM OFFICE

TO THE HONORABLE JUDGE OF SAID COURT

COME NOW Robert C. Gonzalez, plaintiff, and file this their original petition to remove from office Carla Castillon Duran, defendant herein, and for cause alleging to the court as follows:

Discovery Control

1. Plaintiff intend to conduct discovery under Level 2 of the Texas Rules of Civil Procedure and affirmatively plead that this suit is not governed by the expedited actions process in Texas Rules of Civil Procedure § 169 because plaintiff seeks removal from office of an elected official.
2. Plaintiff seeks non-monetary relief from the defendant and reasonable attorneys fees.
3. Plaintiff is a resident of the State of Texas and has lived for at least six months in Bexar County Texas, the county in which this petition is filed. The plaintiff

is not currently under indictment in the county and may file this petition under Texas Local Government Code §87. 001 et seq. Plaintiff resides within the boundaries of Northeast Independent School (NISD) District 3.



3.01 Plaintiff herewith below attaches an affidavit pursuant to §87. 015(b).

4. The defendant is an individual who resides in Bexar County Texas and may be served with process at the following address 8523 Quail Tree, San Antonio, Bexar County, Texas 78250. Defendant is an elected member of the NISD Board of Trustees, District 3 in Bexar County Texas.

5. This court has subject matter jurisdiction under Texas Local Government Code §87. 015 in that plaintiff seeks to remove a member of the board of trustees of NISD.

6. About September 3, 2023, the defendant was intoxicated while driving a motor vehicle. She was arrested and charged for driving under the influence of alcohol.

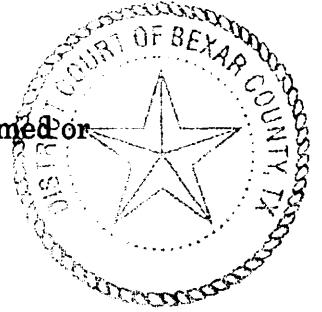
7. Defendant is a member of the board of trustees of NISD. Under Texas local government code § 87.012 (14) she is an officer subject to removal from office by a District Judge.

8. Plaintiff seeks the removal of the defendant from office as NISD trustee.

9. Plaintiff, to protect the public interest at own expense paid reasonable and necessary attorneys fees in this matter. Plaintiff is therefore entitled to recover payment for the reasonable and necessary attorneys fees and expenses of incurred prosecuting this suit for removal of a public official.

10. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

11. All conditions precedent to plaintiff's claim for relief have been performed or have occurred.



For these reasons, the plaintiff asks this court for the following:

- a. After filing of petition and application made to the district judge in writing, an order requiring a citation and a certified copy of the petition to be served on the defendant issue.
- b. that the order be granted and entered in the minutes of the court.
- c. That citation issue to defendant to appear and answer herein.
- d. That the defendant be removed from office as NISD trustee.
- e. For all court costs;
- f. For attorneys fees; and,
- g. For all other relief at law or in equity to which the plaintiffs are entitled.

Respectfully Submitted

/S/Francisco R. Canseco
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AFFIDAVIT

STATE OF TEXAS

§

§

BEXAR COUNTY

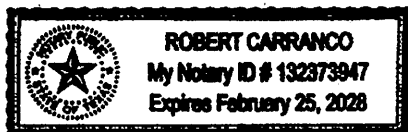
§

Before me the undersigned authority, on this day personally appeared
ROBERT C. GONZALEZ, the affiant whose identity is known to me. After being
sworn, deposed, and stated under oath as follows:

"My name is Robert C. Gonzalez. I am one of the named petitioners in the above
numbered and styled suit for Removal. I reside in San Antonio, Bexar County,
Texas. I have lived in Bexar County Texas, the county in which the petition is
to be filed for at least 6 months. I am not currently under indictment in Bexar
County, Texas. The last four digits of my Social Security Number are 9791 and
the last four digits of my Texas Driver's License are 9584. I have never been
indicted for any crime or misdemeanor. "


Robert C. Gonzalez

Sworn to and subscribed before me by Robert C. Gonzalez on this the 20
day of February 2024.




Notary Public
in and for The State Of Texas

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, GLORIA A. MARTINEZ, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



June 05, 2025

**GLORIA A. MARTINEZ
DISTRICT CLERK,
BEXAR COUNTY, TEXAS**

By: 

DOMINGO RIVERA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)



CAUSE NO. 2024CI03892

ROBERT C. GONZALEZ,

Plaintiff

V.

KARLA CASTILLON DURAN,

Défendant

IN THE DISTRICT COURT

288th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

ORDER

(§87.016 Local Government Code)

The Judge of said Court, on this the 23rd day of February, 2024, having reviewed the petition filed by plaintiff Robert C. Gonzalez, for removal from office, defendant Carla Castillon Duran, and having received and reviewed the plaintiff's application and requests for an ORDER requiring a citation and a certified copy of the petition to be served on the defendant and entered in the minutes of the court, the Judge of this Court HERBY ORERS as follows:

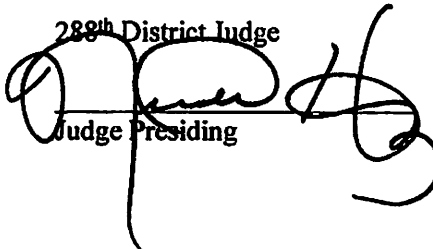
Under *§§87.015 and 87.016, Texas Local Government Code* the clerk shall issue citation with a certified copy of the petition to be served on the defendant Karla Castillon Duran, and that no action be taken on the petition until this ORDER is granted and entered in the minutes of the court;

The Plaintiff Robert C. Gonzales is ORDERED to post security for costs in the manner provided for other cases;

The citation shall order the defendant, Karla Castillon Duran to appear and answer the petition on Mar. 25 2024, after the fifth day after the date the citation is served.

Judge Nicole Garza
37th District Court

FEB 23 2024

288th District Judge

Judge Presiding

DOCUMENT SCANNED AS FILED

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, GLORIA A. MARTINEZ, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



June 05, 2025

**GLORIA A. MARTINEZ
DISTRICT CLERK,
BEXAR COUNTY, TEXAS**

By: 

DOMINGO RIVERA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)

NO. 2024CI03892



ROBERT C. GONZALEZ,

Plaintiff.

V.

KARLA CASTILLON DURAN,
Defendant.

§
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§
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IN THE DISTRICT COURT

288th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

DEFENDANT'S GENERAL DENIAL AND PLEA TO THE JURISDICTION

TO THE HONORABLE COURT:

COMES NOW, KARLA CASTILLON DURAN, Defendant in the above styled and numbered cause, and through her attorney of record files this general denial responding to Plaintiffs' petition and asks for special exceptions to the Plaintiffs' claims in their petition and would respectfully show the Court the following:

I. General Denial

1. Defendant denies generally every allegation contained in Plaintiffs' original petition and demands strict proof by clear and convincing evidence.

II. Plea to the Jurisdiction

2. The purpose of a plea to the jurisdiction is to dismiss a cause of action without regard to whether the claim has merit. *Mission Consol. I.S.D. v. Garcia*, 372 S.W.3d 629, 635 (Tex. 2012). In deciding a plea to the jurisdiction, a Court may not weigh the claim's merits but must consider the plaintiff's pleadings and the evidence pertinent to the jurisdictional inquiry. *Bland ISD v. Blue*, 34 S.W.3d 547, 554 (Tex. 2000).

3. If the pleadings affirmatively negate the existence of jurisdiction, then a plea to the jurisdiction may be granted without allowing the plaintiff an opportunity to amend. *See Peek v. Equipment Serv. Co. of San Antonio*, 799 S.W.2d 802, 804-805 (Tex. 1989).



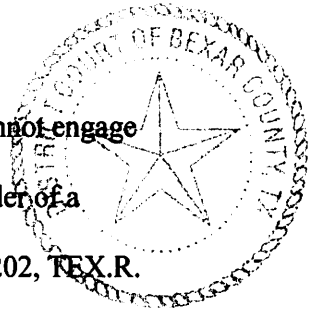
4. Removal actions, like the instant case, asserted by members of the general public may only be prosecuted by the County Attorney. "The county attorney shall represent the state in a proceeding for the removal of an officer except as otherwise provided by Subsection (e) or (f)." Tex. Loc. Gov't Code § 87.018 (d). (subsection e and f do not pertain to a removal of a school board member).

5. In Bexar County, the public official given the duties of the county attorney is the District Attorney. "Sec. 44.115. BEXAR COUNTY. (a) The criminal district attorney of Bexar County shall attend each term and session of the district, county, and justice courts in Bexar County held for the transaction of criminal business and shall exclusively represent the state in all matters before those courts. He shall represent Bexar County in any court in which the county has pending business... The criminal district attorney has all the powers, duties, and privileges in Bexar County that are conferred by law on district and county attorneys." Tex. Gov't Code § 44.115.

6. The Plaintiff's counsel is not the District Attorney nor has he been delegated the authority of representing the county in a removal action by the District Attorney of Bexar County.

7. There is no authority for this Court or any other to consider removing the DEFENDANT in an action that is not being prosecuted by the District Attorney of Bexar County. "Individual citizens have no private interest distinguishable from the public as a whole and have no right to maintain an ouster suit without being joined by a proper state official."). *Garcia v. Laughlin*, 285 S.W.2d 191, 194 (Tex. 1955) (orig. proceeding).

8. Indeed, without the proper joinder of the proper state official, the plaintiff cannot engage in discovery. “The question in this mandamus proceeding is whether, without joinder of a proper state official, individual citizens may obtain pre-suit discovery under Rule 202, TEX.R. Civ. P., to investigate grounds for removal of a county official. We answer no and conditionally grant relief.” *In re Wolfe*, 341 S.W.3d 932, (Tex. 2011).



9. This case should be dismissed or abated awaiting the choice of the District Attorney to prosecute this matter.

III. Special and Affirmative Defenses

- a. Plaintiff's claim lacks a basis in law. Tex. R. Civ. P. 91 (a).
- b. Plaintiff's suit is barred by collateral estoppel.
- c. Plaintiff's suit is barred by equitable estoppel.
- d. Plaintiff's suit is barred by laches.
- e. Plaintiff's suit is barred by waiver.

IV. Prayer for Relief

10. Defendant requests that the Court grant her Plea to the Jurisdiction and asks that Plaintiff take nothing; that the Court assess all costs against Plaintiff; and that the Court grant such other and further relief, at law or in equity, to which Defendant may prove to be justly entitled.

DATED: March 24, 2024

Respectfully Submitted,

By: /s/ Martin Golando

Martin Golando
Law Office of Martin Golando, PLLC
2326 W. Magnolia
San Antonio, Texas 78201
(c) (210) 471-1185
Martin.golando@gmail.com
State Bar No. 24059153



Attorney for the Defendant,
Karla Castillon Duran

CERTIFICATE OF SERVICE

I hereby certify that on this, the 24th day of March 2024, in accordance with the Texas Rules of Civil Procedure, a true and correct copy of the foregoing document was served, via the electronic service specified, to opposing counsel.

/s/ Martin Golando

Martin Golando
Attorney for Defendant

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, GLORIA A. MARTINEZ, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



June 05, 2025

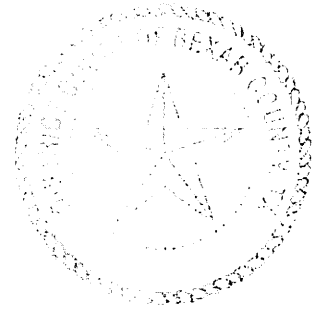
**GLORIA A. MARTINEZ
DISTRICT CLERK,
BEXAR COUNTY, TEXAS**

By: 

DOMINGO RIVERA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)

CAUSE NO. 2024CI03892



ROBERT C. GONZALEZ,

Plaintiff

V.

KARLA CASTILLON DURAN,

Défendant

IN THE DISTRICT COURT

288th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S MOTION FOR HEARING
under §87.015-.017 Texas Local Government Code

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Robert C. Gonzalez, plaintiff and having filed his original petition for removal from office Carla Castillon Duran, defendant under *§§87.015 and 87.016, Texas Local Government Code*, and the Judge of said Court having ordered citation and service, and the defendant having made her appearance and having filed her responsive pleadings, requests from the Honorable Judge the Following:

That the court set a hearing [*under §87.017, Texas Local Government Code*] to appoint a temporary trustee to fill the defendant's seat and place in the Northside Independent School District Board of Trustees, until such time that the temporary trustee's replacement is appointed, elected or if the defendant is acquitted.

WHEREFORE PREMISES CONSIDERED, Plaintiff moves this court for a hearing on temporary trustee as provided by *§87.017, Texas Local Government Code*.

DATED: May 8, 2024

Respectfully Submitted

/S/Francisco R. Canseco

Francisco R. Canseco
Attorney for Plaintiff
State Bar No.:03759600
19 Jackson Court
San Antonio, Texas 78230
frcanseco@gmail.com
210.901.4279



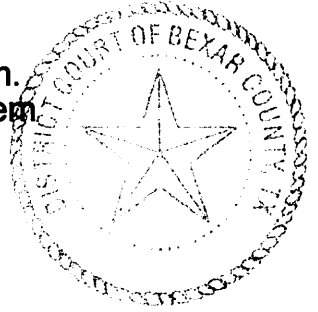
CERTIFICATE OF SERVICE

I hereby certify that on this, the 8th day of May 2024, in accordance with the Texas Rules of Civil Procedure, a true and correct copy of the foregoing document was served, via the electronic service specified, to opposing counsel.

Martin Golando
Law Office of Martin Golando, PLLC
2326 W. Magnolia
San Antonio, Texas 78201
(c) (210) 471-1185
Martin.golando@gmail.com
State Bar No. 24059153
Attorney for the Defendant,
Karla Castillon Duran

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.



Francisco Canseco on behalf of Francisco Canseco
Bar No. 3759600
frcanseco@gmail.com
Envelope ID: 87519330
Filing Code Description: MOTION FOR
Filing Description: Hearing
Status as of 5/9/2024 9:02 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Martin Golando		Martin.golando@gmail.com	5/8/2024 1:50:31 PM	SENT

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, GLORIA A. MARTINEZ, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



June 05, 2025

**GLORIA A. MARTINEZ
DISTRICT CLERK,
BEXAR COUNTY, TEXAS**

By: _____

DOMINGO RIVERA, Deputy District Clerk

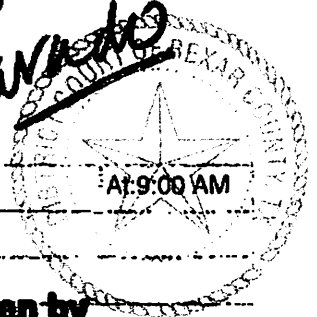
(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)



HALF SHEET DOCKET SESSION

Half Sheet Docket Sessions for [Dept]
Date: 8/15/2024 12:00:00 AM
Court Location: 30004

10:15
1.5 hrs
Alvarado



Cause Nbr: 2024CI03892

Setting Court: 109

For: 288th District Court

At: 9:00 AM

Style: Robert C Gonzalez VS Karla Castillon Duran ET AL

Attorney(s) For Case

FRANCISCO R CANSECOCO; MARTIN GOLANDO

Record taken by

Vita Sanchez, TX CSR 11977

voicecapturerecord@gmail.com

Type of Motion or Application: MOTION TO SET NON JURY - TO APPOINT A TEMP TRUSTEE **FRC**

CONFERRING		ESTIMATE HEARING TIME	
AGREED ORDER		ASSIGNED COURT	Alvarado
DROP		RECORD TAKEN	Vita Sanchez
INTERPRETER		RESET DATE	TIME

Motion to appoint a temporary trustee is denied w/o prejudice to refile after the disposition of Karla Duran's criminal case related to SAPD case # 23197012

FILED
DISTRICT CLERK
BEXAR CO. TEXAS

2024 AUG 15 PM 12:05

DEPUTY

by [Signature]

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, GLORIA A. MARTINEZ, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
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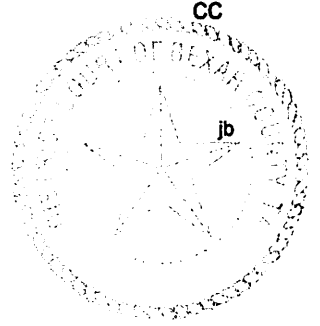
June 05, 2025

**GLORIA A. MARTINEZ
DISTRICT CLERK,
BEXAR COUNTY, TEXAS**

By: 

DOMINGO RIVERA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)



CAUSE NO. 2024CI03892

ROBERT C. GONZALEZ,

Plaintiff

V.

KARLA CASTILLON DURAN,

Défendant

IN THE DISTRICT COURT

288th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

NOTICE OF HEARING

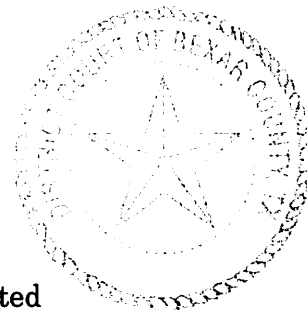
The Plaintiff's Motion To Set For Trial By Jury as per §87.015-.017 Texas Local Government Code, is set for hearing on 23rd day of January 2025, at 8:30 a.m. in the Monitoring Civil District Courtroom 166th District Court located at the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas, 78205.

YOU MAY PARTICIPATE IN THE HEARING BY LOGGING ON TO ZOOM OR BY APPEARING IN-PERSON AT THE COURTHOUSE.

TO APPEAR BY ZOOM: At the designated time above, log on to the Monitoring Civil District Court Zoom using this link:
<https://zoom.us/my/monitoringcourt>.

Alternatively, log on to the Monitoring Civil District Court Zoom using meeting ID 992-478-8545. If you are unable to log on with a computer or smart device, you can call the Zoom telephone access number for Monitoring Civil District Court at 1 (346) 248-7799. You will need to input the Monitoring Civil District Court Zoom access code: 992-478-8545. However, calling in is not recommended by the court.

TO APPEAR IN PERSON: At the designated time above, report in-person to the Monitoring Civil District Courtroom 166th District Court located at the Bexar County Courthouse, 100 Dolorosa, San Antonio, Texas, 78205. If you appear in person and plan to introduce documents and evidence during your hearing, you must be prepared to share them on Zoom using a personal computer or smart device equipped with a wireless modem or air card and Zoom app or Zoom software installed.



Wi-Fi access may not be available at court.

OTHER REQUIRED INFORMATION:

1. The time announcement: two (2) days after jury selection.
2. Telephone numbers and emails for all attorneys or self-represented

litigants:

Attorney for Plaintiff:
Francisco R. Canseco
Attorney for Plaintiff
State Bar No.:03759600
19 Jackson Court
San Antonio, Texas 78230
frcanseco@gmail.com
210.901.4279

Attorney for Defendant
Martin Golando
Law Office of Martin Golando, PLLC
2326 W. Magnolia
San Antonio, Texas 78201
(c) (210) 471-1185
Martin.golando@gmail.com
State Bar No. 24059153

2a. Participants:

Robert C. Gonzalez
310 Hope Dr.
San Antonio, TX 78228
(347) 598-4331

Pd Officer Nathaniel Weaver Badge#
1588
515 S. Frio St.(where found)
San Antonio, Tx 78207

SAPD Custodian DWI Records
Custodian of DWI Video
515 S. Frio St.
San Antonio, Tx 78207

Karla Castillon Duran
8523 Quail Tree,
San Antonio, Texas 78250

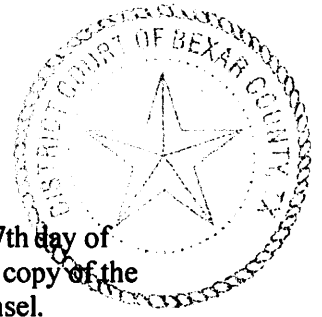
3. Whether an interpreter is required: An interpreter is **NOT** required.

Respectfully Submitted

1/17/2025

ANTONIA ARTEAGA
DISTRICT JUDGE
57TH DISTRICT COURT

/S/Francisco R. Canseco
Francisco R. Canseco
Attorney for Plaintiffs
State Bar No.:03759600
19 Jackson Court
San Antonio, Texas 78230
frcanseco@gmail.com
210.901.4279



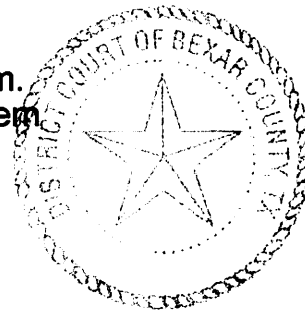
CERTIFICATE OF SERVICE

I, Francisco R. Canseco, attorney for the plaintiff, hereby certifies that on this, the 17th day of January 2025, in accordance with Texas Rules of Civil Procedure, a true and correct copy of the foregoing document was served via the electronic service specified to opposing counsel.

Martin Golando
Law Office of Martin Golando, PLLC
2326 W. Magnolia
San Antonio, Texas 78201
(c) (210) 471-1185
Martin.golando@gmail.com
State Bar No. 24059153
Attorney for the Defendant,
Karla Castillon Duran

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.



Francisco Canseco on behalf of Francisco Canseco

Bar No. 3759600

frcanseco@gmail.com

Envelope ID: 96361464

Filing Code Description: NOTICE OF HEARING

Filing Description:

Status as of 1/17/2025 4:50 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Francisco RCanseco		frcanseco@gmail.com	1/17/2025 1:51:10 PM	SENT
Martin Golando		Martin.golando@gmail.com	1/17/2025 1:51:10 PM	SENT

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, GLORIA A. MARTINEZ, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



June 05, 2025

**GLORIA A. MARTINEZ
DISTRICT CLERK,
BEXAR COUNTY, TEXAS**

By: 

DOMINGO RIVERA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)



OFFICE OF CHIEF TRIAL ASSIGNMENT CLERK
BEXAR COUNTY COURTHOUSE – ROOM 422
SAN ANTONIO, TEXAS 78205
ORDER AND NOTICE OF TRIAL SETTING

2/25/2025

MARTIN GOLANDO
2326 W Magnolia
San Antonio TX 78201

RE: Robert C Gonzalez VS Karla Castillon Duran ET AL
CAUSE No: 2024CI03892

The above styled and numbered cause is set on the 7th day of July, 2025 at 8:30 AM in the Monitoring Court. Failure to appear may result in default or dismissal for want of prosecution.

All parties shall deliver Motions in Limine and a Proposed Jury Charge to all other parties by noon on the last business day prior to the above referenced trial date. Further, IT IS ORDERED that all parties confer on all pretrial motions and bring an order that conforms to your agreement and leaves space for the Court to rule on the disputed issues and modify them, if needed.

In the event the trial is expected to last ten (10) working days or longer, it is strongly suggested that a Rule 166 Pretrial Motion be heard at least sixty (60) days before the above referenced setting date,

MEDIATION is hereby **ORDERED** and shall be **COMPLETED** 45 days prior to your trial date. **Failure to comply will likely result in the trial setting being dropped.**

Norma Gonzales
Jury Monitoring Judge

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, GLORIA A. MARTINEZ, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



June 05, 2025

**GLORIA A. MARTINEZ
DISTRICT CLERK,
BEXAR COUNTY, TEXAS**

By: 

DOMINGO RIVERA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)

**Relevant Portions of Texas Local
Government Code Chapter 87**

Sec. 87.015. PETITION FOR REMOVAL. (a) A proceeding for the removal of an officer is begun by filing a written petition for removal in a district court of the county in which the officer resides. However, a proceeding for the removal of a district attorney is begun by filing a written petition in a district court of:

- (1) the county in which the attorney resides; or
- (2) the county where the alleged cause of removal occurred, if that county is in the attorney's judicial district.

(b) A petition for removal of an officer other than a prosecuting attorney may be filed by any resident of this state who has lived for at least six months in the county in which the petition is to be filed and who is not currently under indictment in the county. At least one of the parties who files the petition must swear to it at or before the filing.

(b-1) A petition for removal of a prosecuting attorney may be filed by any resident of this state who, at the time of the alleged cause of removal, lives and has lived for at least six months in the county in which the alleged cause of removal occurred and who is not currently charged with a criminal offense in that county. At least one of the parties who files the petition must swear to it at or before the filing.

(c) A petition for removal of an officer other than a prosecuting attorney must be addressed to the district judge of the court in which it is filed. A petition for removal of a prosecuting attorney must be addressed to the presiding judge of the administrative judicial region in which the petition is filed. The petition must set forth the grounds alleged for the removal of the officer in plain and intelligible language and must cite the time and place of the occurrence of each act alleged as a ground for removal with as much certainty as the nature of the case permits.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 366 (H.B. 17), Sec. 3, eff. September 1, 2023.

Sec. 87.016. CITATION OF OFFICER. (a) After a petition for removal is filed, the person filing the petition shall apply to the district judge in writing for an order requiring a citation and a certified copy of the petition to be served on the officer.

(b) If the application for the order is made during the term of the court, action may not be taken on the petition until the order is granted and entered in the minutes of the court. If the application is made to the judge during the vacation of the court, the judge shall indicate on the petition the action taken and shall have the action entered in the minutes of the court at the next term.

(c) If the judge refuses to issue the order for citation, the petition shall be dismissed at the cost of the person filing the petition. The person may not take an appeal or writ of error from the judge's decision. If the judge grants the order for citation, the clerk shall issue the citation with a certified copy of the petition. The judge shall require the person filing the petition to post security for costs in the manner provided for other cases.

(d) The citation shall order the officer to appear and answer the petition on a date, fixed by the judge, after the fifth day after the date the citation is served. The time is computed as it is in other suits.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.
Amended by Acts 1991, 72nd Leg., ch. 563, Sec. 1, eff. Sept. 1, 1991.

Sec. 87.017. SUSPENSION PENDING TRIAL; TEMPORARY APPOINTEE. (a) After the issuance of the order requiring citation of the officer, the district judge may temporarily

suspend the officer and may appoint another person to perform the duties of the office.

(b) The judge may not suspend the officer until the person appointed to serve executes a bond, with at least two good and sufficient sureties, in an amount fixed by the judge and conditioned as required by the judge. The bond shall be used to pay damages and costs to the suspended officer if the grounds for removal are found at trial to be insufficient or untrue. In an action to recover on the bond it is necessary to allege and prove that the temporary appointee actively aided and instigated the filing and prosecution of the removal action. The suspended officer must also serve written notice on the temporary appointee and the appointee's bondsman, within 90 days after the date the bond is executed, stating that the officer intends to hold them liable on the bond and stating the grounds for that liability.

(c) If the final judgment establishes the officer's right to the office, the county shall pay the officer from the general fund of the county an amount equal to the compensation received by the temporary appointee.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 87.018. TRIAL. (a) Officers may be removed only following a trial by jury.

(b) The trial for removal of an officer and the proceedings connected with the trial shall be conducted as much as possible in accordance with the rules and practice of the court in other civil cases, in the name of the State of Texas, and on the relation of the person filing the petition.

(c) In a removal case, the judge may not submit special issues to the jury. Under a proper charge applicable to the facts of the case, the judge shall instruct the jury to find from the evidence whether the grounds for removal alleged in the petition are true. If the petition alleges more than one ground for removal, the jury shall indicate in the verdict which

grounds are sustained by the evidence and which are not sustained.

(d) The county attorney shall represent the state in a proceeding for the removal of an officer except as otherwise provided by Subsection (e) or (f).

(e) In a proceeding to remove a county attorney who is not a prosecuting attorney from office, the district attorney shall represent the state. If the county does not have a district attorney, the county attorney from an adjoining county, as selected by the commissioners court of the county in which the proceeding is pending, shall represent the state.

(f) In a proceeding to remove a prosecuting attorney from office, the presiding judge of the administrative judicial region in which the petition for removal was filed shall appoint a prosecuting attorney from another judicial district or county, as applicable, in the administrative judicial region to represent the state.

(g) In a proceeding to remove a prosecuting attorney from office, a prosecuting attorney's public statement establishing that the prosecuting attorney adopted or enforced or intends to adopt or enforce a policy described by Section 87.011(3)(B) or permitted or intends to permit an attorney who is employed by or otherwise under the direction or control of the prosecuting attorney to act as described by Section 87.011(3)(C) creates a rebuttable presumption that the prosecuting attorney committed official misconduct.

(h) In a trial in which a prosecuting attorney is accused of committing official misconduct under Section 87.011(3)(B) or (C), a court may award reasonable attorney's fees and costs the prosecuting attorney personally spent related to the conduct of the proceeding on finding that the prosecuting attorney did not adopt or enforce a policy described by Section 87.011(3)(B) or permit an attorney who is employed by or otherwise under the direction or control of the prosecuting attorney to act as described by Section 87.011(3)(C), as applicable.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by Acts 1991, 72nd Leg., ch. 563, Sec. 2, eff. Sept. 1, 1991.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 366 (H.B. [17](#)), Sec. 5, eff. September 1, 2023.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Martin Golando on behalf of Martin Golando

Bar No. 24059153

martin.golando@gmail.com

Envelope ID: 101708863

Filing Code Description: Original Proceeding Petition

Filing Description: Original Proceeding Petition

Status as of 6/6/2025 11:04 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Francisco Canseco		frcanseco@gmail.com	6/6/2025 10:46:02 AM	SENT
Jennifer Valencia		jennifer.valencia@bexar.org	6/6/2025 10:46:02 AM	SENT