

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOI ELISABETH HEBRON  
PLAINTIFF

vs.

CITY OF SAN ANTONIO

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CIVIL NO.: 25-CV-00800

**PLAINTIFF’S FIRST AMENDED COMPLAINT**

**TO THE HONORABLE UNITED STATES DISTRICT COURT:**

NOW COMES, Joi Elisabeth Hebron (hereinafter referred to as “Ms. Hebron”) complaining of the City of San Antonio, Texas (hereinafter referred to as Defendant) and for cause of action would respectfully show unto this Honorable Court the following:

I.  
Parties and Service

1. Plaintiff, Joi Elisabeth Hebron, is a citizen of the United States, and resides in Bexar County, Texas.
2. Defendant, City of San Antonio, may be served by mailing a copy of this Complaint and a summons by certified mail to the following:
  - a. City of San Antonio, Attorney’s Office, 506 Dolorosa, San Antonio, Texas, 78204.
3. Defendant, Robert Garcia, Badge number 0995, may be served by serving a copy of this Complaint and a summons at San Antonio Police Northwest Substation located at 5020 Prue Road, San Antonio, Texas 78240, phone number (210) 207-7273 or any palce he may be found or any means agreed to by the parties.

II.

Nature of the Case and Jurisdiction

4. This civil action arises under the United States Constitution, with specific regard to the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment and the Fourth Amendment right to be free from unreasonable searched of seizures of the Constitution of the United States, as well as pursuant to federal law specifically the Civil Rights Act, under 42 U.S.C. §1983 of the United States Code. Plaintiff, seeks damages against Defendants for committing acts, under color of law, with the intent and purpose of depriving Plaintiff of rights secured under the Constitution of and Laws of the United States of America. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §§1331 and 1343.

III.

CONDITIONS PRECEDENT

5. On February 26, 2025, Plaintiff forwarded Notice of Representation and Demand Letter to Defendants. This was accomplished prior to the expiration of any statute of limitations period. The City of City of San Antonio upon whom the demand was made, has failed to reply to Plaintiff's claims. See Exhibit A.

IV.

Venue

6. Venue is proper in this district under 28 U.S.C. §1391(b) as the acts, events or omissions giving rise to this claim occurred in Bexar County, Texas, which falls within the purview of the United States District Court for the Western District of Texas.

V.  
Factual Background

7. Joi Elisabeth Hebron is a black female servicing the United States Air Force when on July 15, 2024, Officer Garcia, Officer Rodriguez and Officer Dech, of the San Antonio Police Department, stopped and seized the body of Ms. Hebron, while she was driving her pickup truck. Ms. Hebron is the owner of a 2016, Lariat, Ford F-150 pickup truck, with California license plates. Ms. Hebron resides in the Tribute located at 5810 Worth Parkway, San Antonio, Texas 78257.

8. When Ms. Hebron entered her 2016, Lariat, Ford F-150 pickup truck she was wearing her United Air Force PT uniform. After entering her truck Ms. Hebron proceed drive out of the Tribute apartments. At some point Ms. Hebron came to and stopped at the La Cantera Parkway intersection, across from Target. Before entering the La Cantera interaction Ms. Hebron made sure she had the right of way because the traffic signals were blinking red. As Ms. Hebron looked around she notice a stationary City of San Antonio Police cruiser to her left. After making sure she had the right of way, Ms. Hebron entered the La Cantera intersection and turned right. As Ms. Hebron starting driving on the La Cantera Parkway, she was not aware that City of San Antonio police cruiser had started following her.

9. After a few minutes she came stop on IH-10 frontage road, and that is when she noticed the police cruiser was following her. Ms. Hebron entered the IH-10 frontage road and drive onto IH-10 freeway the police cruiser continued to follow her.

10. Officer Robert Garcia observed Ms. Hebron at the intersection of La Cantera and 1604 at or about 4:33 a.m.. Officer Garcia researched Ms. Hebron license at some point after she turned onto 1604. Ms. Hebron became concerned when she notice there were three police cruisers following her on IH-10 freeway. Ms. Hebron was shocked to see the emergency lights of the police cruisers behind her came on.

11. Upon see the emergency lights of the police cruisers Ms. Hebron immediately pulled over, put on her emergency flashers, stopped her car, and sat there. After Ms. Hebron stopped she was ordered to exit her truck at gun point by Officers Garcia, Rodriguez and Duch. As Ms. Hebron existed her truck as instructed at gun point in her PT Uniform, which identified her as an active duty member of the United States Air Force. Ms. Hebron followed all of the orders of Officers Rodriguez and Dech while at gun point, before being placed in handcuffs. At the time of the incident, Ms. Hebron was not engaged in any criminal activity or requiring the intervention of officers of San Antonio Police Department or any local, state, or federal law enforcement agency. On July 15, 2024, Ms. Hebron was simply driving her registered truck, which was registered in California, for PT.

12. During and after the stop Ms. Hebron, asked the Officers Garcia, Rodriguez and Duch why they had stopped her. Both Officers Garcia, Rodriguez and Duch failed to provide Ms. Hebron with the reason for stopping her. Ms. Hebron during the interaction continued to request the reason they had stopped her and were holding her at gun point in the middle of a busy throughfare. Both Officers refused and failed to provide any reason or justification for stopping Ms. Hebron. Instead, the Officers explaining why they had stopped her, the Officers handcuffed and detained her. After being handcuffed Officer Rodriguez told Ms. Hebron that her tags came back dirty, when Ms. Hebron asked again why she was begin stopped.

13. Ms. Hebron was placed in the back Officer Rodriguez's cruiser. Upon being placed in Officers Rodriguez's cruiser, Ms. Hebron was asked a series of questions regarding her ownership the F-150, if there were any weapons in her truck, and if there was anyone in her truck? Ms. Hebron stated the F-150 belonged her, she did not have any weapons, and there was one else in her truck. While Ms. Hebron was answer Officer Rodriguez's questions, the other two officers

searched her truck. Officer Rodriguez then closed the door of the cruiser and entered the cab of the cruiser. Once in the cab Officer Rodriguez, and Ms. Hebron notices him typing something into the police computer. Then Ms. Hebron notices Officer Rodriguez exiting the cruiser and being approached by Officer Dech, and both were looking at Officer Dech's handheld computer. After looking at Officer Dech's handheld computer, Officer Rodriguez get back into his cruiser and get back on his computer. Officer Rodriguez then exits her cruiser and looks at Officer's Dech's handheld computer again.

14. Officer Rodriguez then opens the door and asks Ms. Hebron the proper spelling of her name and how long has she had her truck? After answering Office Rodriguez's questions, Officer Rodriguez closed the cruiser door, and started talking to Officer Dech. Officer Rodriguez opened the cruiser door and stated, "We saw your uniform hanging in the back." Officer Rodriguez opens the cruiser door and released Ms. Hebron from the handcuffs. Upon being released Ms. Hebron was still in fear for her life, she walked to the back of her truck and started to cry. Officer Rodriguez walked up the Ms. Hebron and asked to move to the other side of her truck because where Ms. Hebron was standing, was the dangerous side. Ms. Hebron said to Officer Rodriguez, "I thought I was going to be shot because of the color of my skin, I am a believer." Officer Rodriguez asked Ms. Hebron if he could call anyone for her. Ms. Hebron answered, "no I am going to call the appropriate people." Mrs. Hebron was not provided with a proper explanation as to why she was stopped at gun point and detained on July 15, 2024.

15. During the incident Ms. Hebron was shaking from the emotional trauma she had endured, which should have been apparent to the three male Officers, who ignored signs of her traumatic physical reaction to what was occurring. Ms. Hebron initially attempted to proceeded to her duty station on post, but due to the traumatic incident, she was overwhelmed with extreme

emotional feeling that disabled her to physically execute the duties. Because of the extreme psychological distress Ms. Hebron experienced she decided to immediately go to the on-Post Emergency Room and seek emergency mental health treatment for the traumatic incident she had just endured. During the July 15, 2024, incident, Ms. Hebron was extremely fearful for her life and terrified that she would be shot and/or killed by Officers Garcia, Rodriguez, and Dech, of the San Antonio Police.

16. Since the July 15, 2024, incident, Ms. Hebron suffers from chronic headaches, sleeping problems, stiff muscles, sudden unexplained bouts of nausea and vomiting, feeling her mind is slow and foggy, and at times disorientated. After the July 15, 2024, traumatic incident, Ms. Hebron is in constant fear of police officers and she is in constant fear that she will be stopped and once again held at gun point for no reason, and possibly being shot. After the July 15, 2024, incident Mrs. Hebron has problems concentrating and sometimes when she reflects upon the traumatic events intentionally or unintentionally she experiences extreme bouts of depression that impacts and affect her ability to go to work, stay at work, or preform her job duties in service of the United States Air Force. For example, Mrs. Hebron because of the July 15, 2024 traumatic incident has been placed on leave and has been reassigned job duties to address her inability to perform her previous job duties due to her psychological condition. Finally, Ms. Hebron is unable to sleep because of the night terrors she has about being terrified on July 15, 2024 without reason.

17. Ms. Hebron's mother, whom I and Mr. Richard Breque interviewed has expressed her concern that Ms. Hebron is not the same person whom she knew before July 15, 2024. Before July 15, 2024, Ms. Hebron's mother described Ms. Hebron as being a very social and outgoing person. After July 15, 2024, Ms. Hebron's mother describe her as being antisocial person, apprehensive, wanting to stay in the house, fear of the police, and existing unusual sleep habits.

Ms. Hebron after July 15, 2024 has expressed an extreme fear of police officers to her mother and does everything within her power to avoid them.

VI.  
Use of Excessive Force

18. Plaintiff hereby re-alleges and incorporates by reference paragraphs seven through seventeen supra.

19. Complainant pleads that on July 15, 2024 at 4:33 a.m., police officers of the City of San Antonio used excessive force to illegal seize the body of Ms. Hebron, a black female / free citizen of the United States because of her race, in violation of the Fourth Amendment, Fourteenth Amendment, and 42 U.S.C. §1982 when it ceased her body in violation of her constitutionally protected right to be free from unlawful seizure of her body. At all times material, Plaintiff was not engaged in any criminal activity thus Defendant's Officers had a duty under the Fourteenth Amended of the Constitution of the United States to refrain from the use of excessive force in stopping Plaintiff, holding her at gun point, and investigating Plaintiff for any crime which they no suspension she had committed, before seizing Plaintiff's body.

20. Plaintiff asserts that she was unlawfully detained and seized by Defendant's Officers by holding her at gun point then handcuffing her due to racial profiling of her in violation of her constitutional rights. Defendant's Officers said actions constituted a use of force that was clearly excessive as to the circumstances that existed on July 15, 2024, and the use of said force was objectively unreasonable based on the initial racial profiling which was the sole reason for the initial investigation. After wrongfully holding Plaintiff at gun point and seizing her body, Plaintiff was physically injured from being handcuffed as well as, severely and permanently emotionally injured.

21. Defendant's Officers seizure of Plaintiff's body, based on racial profiling is a violation of Plaintiff's rights under the Fourth Amendment, Fourteenth Amendment, and 42 U.S.C. §1982 violated her rights to be free from unwarranted seizure of her person thus a deprivation of her constitution rights, based on Defendant's Officer's excessive use of force, when she posed no danger to Defendant's Officers.

22. Plaintiffs asserts that the actions of Defendant's Officers on July 15, 2024 clearly displays that Defendant failed to adequately train its Officers regarding racial profiling or how to execute a traffic stop, arrest, and detention procedures, as to insure that they did not violate the rights of a Plaintiff so that she can be free from the racial profiling and excessive use of the force under the Fourth and Fourteenth Amendments to the Constitution of the United States. Plaintiff further alleges that Defendant failed to adequately supervise its' Offices to insure they did not racially profile Plaintiff to avoid violations of her rights of a citizen to be free from arbitrary actions of its employees.

23. As a direct and proximate result of one or more of the said wrongful acts or omissions to act of Defendant's Officers, Plaintiff suffered physical injury, as well as severe and permanent emotional injury to her person, and suffers pain, mental anguish, humiliation, and other diverse injuries.

24. Plaintiff demands judgment against Defendant, for the wrongful violations of Plaintiff's rights to be free from excessive use of the force under the Fourth and Fourteenth Amendment to the Constitution of the United States, for actual or compensatory damages, punitive damages in the amount sufficient to deter or prevent wrongful conduct in the future, plus attorney's fees and cost as provided pursuant to 42 U.S.C.A. §1988.

VII.

Monetary Claim Against Defendant, City of San Antonio

25. Plaintiff hereby re-alleges and incorporates by reference paragraphs seven through seventeen supra.

26. Defendant, City of San Antonio, Texas a municipal corporation which operates, administers, maintains and controls the City of San Antonio Police Department as one of its executive branches. The Defendant, City, has established policies and procedure for its Police Department regarding the use of force, and seizure of the person's body.

27. In establishing these procedures, Defendant had a duty under the Fourth and Fourteenth Amendments to the Constitution of the United States to refrain from enforcing or continuing to effect policies and procedure that create a substantial likelihood that Plaintiff when detained would not be subjected to the use of excessive force by Defendant's Officers, through the policies and procedures which created substantial likelihood that she would suffer serious emotional distress from the seizure of her body at gun point that violate her constitutional right pursuant to the Fourth Amendment, Fourteenth Amendment, and 42 U.S.C. §1982, due to racial profiling . Prior to the seizure of Plaintiff's body, Plaintiff, a Black American was driving an expensive looking truck, and there was no reason for the Defendant's Officers to run her license plate.

28. Plaintiff did not poses a danger to the Officers or the public, but Defendant's Officers without reasonable articulable suspicion ran her license plate, followed her and stopped her. Plaintiff asserts that Defendant's Officers actions were part of an informal or formal policy designed to racially profile Black citizens and create reckless indifference to the Fourth Amendment and Fourteenth Amendment constitutional rights for Plaintiff. Plaintiff alleges that it is the informal and official policy of Defendant allows it's Officers to pull over minorities' such

as Plaintiff. Plaintiff further alleges that Defendant's policy makers had actual or constructive knowledge of its agents' actions and Defendant's informal or formal policy was the moving force behind the constitutional violation of Plaintiff's constitutional rights.

29. Notwithstanding its mentioned duties Defendant is guilty of one or more of the following wrongful acts or omissions in violation of Plaintiff's Constitutional rights, in that it:

a. Allowed policies and procedures to continue in force and effect which resulted in the use of racial profiling which resulted in the outrageous and excessive use of force against Plaintiff;

b. Had a custom and practice of failing to independently and adequately investigate complaints of excessive force based on racial profiling;

c. had a custom and practice of failing to effectively discipline or retrain police officers who wrongfully utilized racial profiling as an excuse to use excessive force against Black Americans such as Plaintiff or other minorities;

d. failed to establish appropriate policies and procedures to address and correct repeated complaints that its Offices use racial profiling against minorities during traffic stops or encounters with Black Americans such as Plaintiff or other minorities; and

e. Allowed and continuance of its Officers to engage in racial profiling through its use of force policies and procedures in effect, which failed to protect Black Americans who had sustained physical and psychological injuries from the reckless indifference of the Defendant's agents, servants and employees who use racial profiling as a tool to violate the rights of similarly situated Black citizens such as Plaintiff.

30. As a direct and proximate result of one or more of the foregoing wrongful acts or omissions of act of Defendant, the Plaintiff sustained a violation of her rights under the Fourth Amendment, Fourteenth Amendment, and 42 U.S.C. §1982 Plaintiff suffered physical and severe psychological injury to her person, including but not limited to pain and suffering, disability, mental anguish, humiliation, and other diverse injuries.

31. Plaintiff demands judgment against Defendant or compensatory damages, attorney's fees and cost as provided pursuant to 42 U.S.C.A §1988.

VIII.  
Claims for Gross Negligence or Willful and Wanton Misconduct of  
City of San Antonio

32. Plaintiff hereby re-alleges and incorporates by reference paragraphs seven through seventeen supra. Plaintiff alleges that the Defendant, City of San Antonio pursuant to the theory of respondent superior is responsible the gross negligence, or willful and wanton misconduct of its employee, Defendant, Officer Rober Garcia because of its formal and/or informal polices that allow for racial profiling.

33. On July 15, 2024 at 4:33 a.m., Defendant, Officer Robert Garcia, of the San Antonio Police Department, acted within course and scope of his employment with Defendant, City San Antonio, when he racially profiled Mrs. Joe Elizabeth Hebron in conformity with Defendant's formal or informal policy. Officer Garcia, had a duty to refrain from violating Ms. Hebron's constitutional rights as well as, causing her physical and psychological injury through his gross negligence or willful and wanton misconduct as an employee of Defendant, City of San Antonio. Ms. Hebron alleges that her Fourth and Fourteenth Amendment Constitutional rights and rights pursuant to Federal law, 42 U.S.C. §1982 were violated by Officer Garcia, when he followed Defendant, City of San Antonio, formal or informal policy of racially profiling her, a Black American, and seizing her body without reasonable suspicion to suspect she had engaged in any criminal conduct or a crime had occurred in the area, before running her license plate at 4:33 a.m.

34. Officer Garcia, on July 15, 2024 at 4:33 a.m., breached his duty to Ms. Hebron to refrain from causing injury to her through his gross negligence or willful and wanton misconduct, while acting as agent, servant, and employee of Defendant, City of San Antonio, and thus is guilty of one or more of the following, gross negligence and/or willful and wanton acts or omission to act, when he:

- a. racially profiled her when he saw she was a black female driving an expensive truck, when there was no reasonable suspicion that Ms. Hebron had engaged in any criminal conduct or a crime had been committed in the area she was in, before running her license plate;
- b. initiated the stop of Ms. Hebron, after racially profiling her, creating a dangerous situation by pointing his gun at her, holding her at gun point and seizing her body when he should have known, that such conduct poses unreasonable risk of serious physical and psychological injury to her; and
- c. initiated the stop of Ms. Hebron, after racially profiling her, holding Ms. Hebron at gun point without cause or provocation when he knew, or should have known, that he was using excessive force by pointing a gun at her and handcuffing her, actions he knew would cause her serious physical and psychological injury and trauma.

35. As a direct and proximate result of one or more of Defendant's Officers wrongful acts or omission of act, Plaintiff sustained severe and permanent physical and emotional injury to Plaintiff's person causing her pain, suffering, disability, mental anguish, humiliation and other diverse injuries.

36. Plaintiff demands judgment against Defendant for compensatory damages, punitive damages against Defendants, and each of them, in the amount sufficient to deter the described wrongful conduct in the future.

IX.

Claims for Gross Negligence or Willful and Wanton Misconduct of  
San Antonio Police Officer Garcia

37. Plaintiff hereby re-alleges and incorporates by reference paragraphs seven through seventeen supra.

38. On July 15, 2024 at 4:33 a.m., Defendant, Officer Robert Garcia, of the San Antonio Police Department, acted outside the course and scope of his employment with Defendant, City San Antonio, when he intentionally racially profiled Mrs. Joe Elizabeth Hebron. Officer Garcia, had a duty to refrain from violating Ms. Hebron's constitutional rights as well as, causing her physical and psychological injury through his gross negligence or willful and wanton misconduct as an employee of Defendant, City of San Antonio. Ms. Hebron alleges that her Fourth and Fourteenth Amendment Constitutional rights and rights pursuant to Federal law, 42 U.S.C. §1982 were violated by Officer Garcia intentional act of racially profiled her, when he racially profiling her, a Black American, and seized her body without reasonable suspicion to suspect she had engaged in any criminal conduct or a crime had occurred in the area, before running her license plate at 4:33 a.m. on July 15, 2024.

39. Officer Garcia, on July 15, 2024 at 4:33 a.m., breached his duty to Ms. Hebron to refrain from causing injury to her through his gross negligence or willful and wanton misconduct, by acting outside the course and scope of his duties as an employee of Defendant, City of San Antonio, and thus is guilty of one or more of the following, gross negligence and/or willful and wanton acts or omission to act, when he:

- a. decided to racially profile her when he saw she was a black female driving an expensive truck, when there was no reasonable suspicion that Ms. Hebron had engaged in any criminal conduct or a crime had been committed in the area she was in, before running her license plate;

- b. initiated the stop of Ms. Hebron, after racially profiling her, creating a dangerous situation by pointing his gun at her, holding her at gun point and seizing her body when he should have known, that such conduct poses unreasonable risk of serious physical and psychological injury to her; and
- c. initiated the stop of Ms. Hebron, after racially profiling her, holding her at gun point without cause or provocation when he knew, or should have known, that he was using excessive force when he knew his actions would cause her serious physical and psychological injury and trauma.

40. As a direct and proximate result of one or more of Officer Garcia's wrongful acts or omission of act, Ms. Hebron sustained severe and permanent physical and emotional injury to her person causing her pain, suffering, disability, mental anguish, humiliation and other diverse injuries.

41. Ms. Hebron demands judgment against Officer Garcia for compensatory damages and punitive damages in the amount sufficient to deter the described wrongful conduct in the future.

X.

§1983 – Unreasonable Seizure/False Arrest/False Imprisonment

39. Plaintiff hereby re-alleges and incorporates by reference paragraphs seven through seventeen supra.

40. On July 15, 2024 at 4:33 a.m., Plaintiff was unlawfully arrested by Defendant's Officers without reasonable suspicion that a crime had been committed after racially profiling her in violation of her Fourteenth Amendments rights. Before starting the investigation of Plaintiff, Defendant's Officer Garcia pursuant to the totality of circumstances, before running her license plate, had no reasonable articulable suspicion that she had engaged in any criminal conduct or probable cause to believe she had committed a crime, or notice that a crime had been committed in the area.

41. The Fourteenth Amendment prohibits Defendant's Officers from arbitrarily violating Plaintiff rights guaranteed to her via the United States Constitution under the color of the law by racially profiling her.

42. The Fourth Amendment prohibits the Defendant's Officers from carrying out unreasonable seizures, here the seizure of Plaintiff's body. An arrest is a "seizure" under the Fourth Amendment. Pursuant to the Fourth Amendment Defendant's Officers may arrest Plaintiff only when they had probable cause to believe that Plaintiff had engaged in criminal conduct.

43. As a direct and proximate result of one or more of Defendant's Officers wrongful acts or omissions, Plaintiff sustained severe and permanent injury to Plaintiff's person, pain, suffering, disability, loss of income, mental anguish, humiliation and other diverse injuries.

44. Plaintiff demands judgment against Defendants and each of them for compensatory damages, punitive damages against Defendants, and each of them, in the amount sufficient to deter the described wrongful conduct in the future, and Plaintiff's cost if suit.

## XI.

### §1983 – Qualified Immunity

45. Plaintiff hereby re-alleges and incorporates by reference paragraphs seven through seventeen supra.

46. Defendant's Officers were carrying out a governmental function in effectuating the wrongful detention and arrest of Plaintiff and employing excessive use of force. Government actors can be entitled to qualified immunity to their individual liability, but this immunity is waived if the complainant show that:

- a. the individual's act deprived Plaintiff of her constitutional rights under color of law by racially profiling Plaintiff and unlawfully ceasing her person;

- b. the deprived Plaintiff of constitutional rights that were clearly established and those constitutional rights which existed at the time of the unconstitutional acts Defendants; and
- c. the act of racially profiling Plaintiff by running her license plate at 4:33 a.m., was not objectively reasonable under the totality of circumstances that existed on July 15, 2024, thus there is and was no reasonable official policy or articulable reason to support the unlawful conduct of Defendant or its agents.

47. In *Kinney v. Weaver*, the Fifth Circuit explained the “clearly established” prong as follows:

Qualified immunity should not be denied unless the law is clear in the more particularized sense that reasonable officials should be “on notice that their conduct is unlawful.” *Saucier v Katz*, 533 U.S. 194, 206 (2001). The central concept is that of “fair warning”: The law can clearly be established “despite notable factual distinctions between the precedents relied on and the cases then before the Court, so long as the prior decisions gave reasonable warning that the conduct then at issue violated constitutional rights. *See Hope*, 536 U.S. at 740 (internal quotation marks omitted).

48. Plaintiff was racially provided by Defendant’s Officers because she was an American who happens to be Black, when they racially profiled her by running her license plate in violation of her constitutional rights. Plaintiff asserts she was merely driving on to her duty station as an employee of the United States Airforce, to start her active duty tour. Defendant’s Officer Garcia, took exception to the fact that Plaintiff, an American who happens to be Black, was driving an expensive truck with out of state license plate and decided to run her license plate.

49. Plaintiff when seeking an explanation from Defendant’s Officers why she was being stopped, ordered to exit her truck, and handcuffed, was denied an explanation as to why she was stopped. Said actions constituted a use of force that was clearly excessive and unreasonable under clearly established law based on the individual articulable circumstances of this case.

50. The acts of Defendant's Officers clearly violated established statutory or constitutional rights of Plaintiff which a reasonable person would have known, including Plaintiff's constitutional rights afforded to her by the Due Process Clause, and Fourth Amendment of the United States Constitution.

## XII. Damages

51. Plaintiff hereby re-alleges and incorporates by reference paragraphs seven through seventeen supra, as well as paragraphs fifteen through forty-seven supra.

52. The Plaintiff further alleges that as the direct consequence and result of the use of racial profiling, excessive force, reckless indifference to Plaintiff's serious physical needs, gross negligence or willful and wanton misconduct, and unreasonable seizure/false arrest/false imprisonment, by acts of Defendant's Officers and its agents, here in above complained of, Plaintiff has suffered serious and irreparable physical and mental injuries associated with emotional distress which include, loss of enjoyment of life, mental anguish in the past and future, reasonable medical care, not limited to any other awards to make Plaintiff whole, which include any award for inconvenience and expenses.

53. Plaintiff also sustained the following damages as a result of the actions and/or omissions of Defendants described reasonable and necessary attorney's fees incurred by or on behalf of Plaintiff, as well as cost associated with the pursuit of this suit which include expert fees, and prejudgment and postjudgment interest. In addition, Plaintiff's past and present loss of income due to his injuries.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff, Joi Elisabeth Hebron, respectfully prays that Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court, together with interest as allowed by law; costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff, Joi Elisabeth Hebron, respectfully requests that the Court issue an order declaring the actions of the Defendant and Defendant Robert Garcia to be null and void and without any legal effect.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff, Joi Elisabeth Hebron respectfully prays the Court grant the Plaintiff declaratory relief declaring that the acts alleged herein are unconstitutional and violate the Plaintiff's statutory, constitutional, and common law rights.

Respectfully submitted,

By: /s/ *Markes E. Kirkwood*

MARKES E. KIRKWOOD  
ATTORNEY AT LAW  
Texas Bar No. 24032509  
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2600 McCullough Avenue  
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E-mail Address: [kirkwoodmarkes@yahoo.com](mailto:kirkwoodmarkes@yahoo.com)  
Attorney for Plaintiff: Joi Elisabeth Hebron

Certificate of Service

I, Markes E. Kirkwood, hereby certify that on the October 30, 2025 a true and correct copy of Plaintiff's First Amended Complaint has been served upon Attorney for Defendant, Elizabeth Guerrero-Southard, via the Court's CM/ECF system.

/s/ *Markes E. Kirkwood*

MARKES E. KIRKWOOD

Attorney at Law

**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY**

# EXHIBIT 1:

Claim Number 24J26M341093

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From: Markes Kirkwood (kirkwoodmarkes@yahoo.com)

To: ronnell.cunningham@sanantonio.gov

Cc: paladin@breque.com

Bcc: joihebron1@gmail.com

Date: Wednesday, February 26, 2025 at 10:48 AM CST

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See attached demand letter.

"CONFIDENTIALITY NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient(s) and may be legally privileged. If you have received this communication in error, please contact the sender below immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient(s) is strictly prohibited."



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# LAW OFFICES OF MARKES E. KIRKWOOD P.L.L.C.

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February 26, 2025

## NOTICE OF REPRESENTATION & DEMAND LETTER

Honorable Mayor Ron Nirenberg  
City of San Antonio Mayor's Office  
115 Plaza De Armas Ste. 2  
San Antonio, Texas 78205  
*Certified Mailing Number 7014 2120 0004 2729 5040*  
*9590 9402 8727 4064 6711 09*

City of San Antonio Attorney's Office  
506 Dolorosa  
San Antonio, Texas 78204  
*Certified Mailing Number 7014 2120 0004 2729 5033*  
*9590 9402 8927 4064 6710 93*

City of San Antonio  
Office of City Clerk  
P.O. Box 839966  
San Antonio, Texas 78283  
**Emailed**

RE: Our Client/Claimant: Joi Elisabeth Hebron  
Address: 2600 McCullough Avenue, San Antonio, Texas 78212  
Date of Birth: July 3, 1982  
Social Security Number: \*\*\*-\*\*-1439  
Date of Incident / Location: July 15, 2024 / City of San Antonio, Texas  
Type of Claim: False Arrest, Deprivation of City Rights Under 42 U.S.C. 1983, Intentional Infliction of Emotional Distress, Abuse Of Process, Punitive Damages, Attorney Fees, and All Other Claims Arising Out of the Incident.

Dear Whom It May Concern:

This letter constitutes a written notice to inform you that the Law Offices of Markes E. Kirkwood P.L.L.C., has been retained by Joi Elisabeth Hebron, a member of the United States Air Force, to represent her regarding her claims against the City of San Antonio for injuries sustained

by her on the above date and at the above listed location. Please direct all future correspondences, e-mails, orders, proposed orders, pleadings, or any written or oral communications to me, Markes E. Kirkwood, via any of the means listed in the letterhead of this letter.

On February 10, 2025, this Office along with its legal investigator reviewed all the facts associated with the event that occurred on July 15, 2024, and have determined that Officer Garcia, Officer Rodriguez, and Officer Dech of the City of San Antonio Police Department abused their authority and are responsible for the psychological and emotional injuries of Joi Elisabeth Hebron.

The undisputed facts are that on July 15, 2024, Officer Garcia, Officer Rodriguez and Officer Dech, of the San Antonio Police without justification initiated an unwarranted stop and seized the body of Ms. Hebron. Ms. Hebron believes that she was racially profiled and stopped solely because of the color of her skin. There was no reason for the aforementioned Officers to stop her at gun point and ask her to exit her automobile. While in informal military attire the aforementioned could easily identify Ms. Hebron her as a member of the United States Air Force and not a criminal in a stolen truck. Even with government attire on, Ms. Hebron was placed in handcuffs at gun point for no other reason except, she was Black woman driving an expensive automobile. At the time of the incident, Ms. Hebron was not engaged in any criminal activity or requiring the intervention of officers of San Antonio Police Department or any local, state, or federal law enforcement agency. On July 15, 2024 Ms. Hebron was simply driving her registered truck, which was registered in California, for PT.

During and after the unlawful seizure of Ms. Hebron, neither of the San Antonio Police Officers provide Ms. Hebron their reason for stopping her when Ms. Hebron initially requested an explanation for the unwarranted stop. The same Officers also refused and failed to provide any reason or justification for the unconstitutional stop when Mrs. Hebron asked, why she was being stopped, handcuffed, and detained. Instead of providing an explanation, the Officers just released Ms. Hebron her and sent her on her way.

During the incident Ms. Hebron was shaking from the emotional trauma she had endured, which should have been apparent to the three male Officers, who ignored signs of her traumatic physical reaction to what had occurred. Ms. Hebron initially attempted to proceeded to her duty station on post, but due to the traumatic incident, she was overwhelmed with extreme emotional feeling that disabled her. Because of the extreme psychological distress Ms. Hebron was experiencing, she decided to immediately go to the on-Post Emergency Room and seek emergency mental health treatment for the traumatic incident she had just endured. It appears that after the incident the aforementioned Officers of the San Antonio Police Department created a story justifying the reason for stopping Ms. Hebron.

During the July 15, 2024 incident, Ms. Hebron was extremely fearful for her life and terrified that she would be shot and/or killed by Officer Garcia, Office Rodriguez and Officer Dech, of the San Antonio Police. Since the July 15, 2024 incident, Ms. Hebron suffers from chronic headaches, sleeping problems, stiff muscles, sudden unexplained bouts of nausea and vomiting, feeling her mind is slow and foggy at times disorientated. Mrs. Hebron unlike before the traumatic incident is in constant fear of police officers and that she will be stopped and once again held at gun point for no reason. After the incident at times Mrs. Hebron has problems concentrating and sometimes when she reflects upon the traumatic events intentionally or unintentionally she has extreme bouts of depression that impacts and effects her ability to go to work or preform her job duties in service of the United States. For example, Mrs. Hebron because of the July 15, 2024 traumatic incident has been placed on leave and has been reassigned job duties to address her inability to perform her previous job duties due to her psychological condition. Finally, Ms. Hebron is unable to sleep because of the night terrors she has about being terrified on July 15, 2024.

Ms. Hebron's mother, whom I and Mr. Richard Breque interviewed has expressed her concern that Ms. Hebron is not the same person whom she knew before July 15, 2024. Before July 15, 2024 Ms. Hebron's mother described Ms. Hebron as being a very social and outgoing person. After July 15, 2024 Ms. Hebron's mother describe her as being antisocial person, apprehensive, wanting to stay in the house, fear of the police, and existing unusual sleep habits. Ms. Hebron after July 15, 2024 has expressed an extreme fear of police officers and does everything within her power to avoid them.

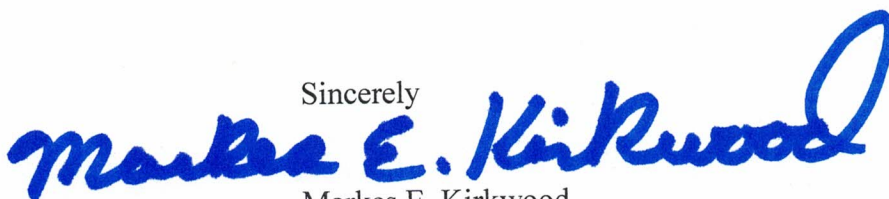
Officers Garcia, Rodriguez, and Dech of the San Antonio Police owed a duty of care to Ms. Hebron to act with reasonable care when they came into contact with her. Officers Garcia, Rodriguez, and Dech of the San Antonio Police breached their duty to Ms. Hebron when they failed to exercise reasonable care on July 15, 2024. Because of Officers Gara, Rodriguez, and Dech of the San Antonio Police breach of duty, as listed above, proximately caused Ms. Hebron psychological and emotional injuries. Ms. Hebron suffered damages in the form of medical expenses, loss of past wages, loss of future wages, emotional distress as a result of Officers Garcia, Rodriguez, and Dech of the San Antonio Police breach of their duty to serve and protect Ms. Hebron.

As a server member I the United States Air Force, Ms. Hebron is willing to give her life in service and defense of her country. In such an instance Ms. Hebron would be able to defend herself. On July 15, 2024, as a citizen and server member, Ms. Hebron was helpless because she took an oath to protect this country and defend its laws. On July 15, 2024 when Ms. Hebron's her constitutional rights were violated to her fellow citizens with the penalty of death, she was helpless because she never expected the rights she agreed to protect and defend for others would be stripped from her.

As a result of the foregoing, Ms. Hebron is hereby making a claim against the City of San Antonio Police Department and City of San Antonio for payment of all damages sustained by her Client in the amount of eight hundred thousand dollars and zero cents (**\$800,000.00**) for past and future lost wages, medical expenses, past and future pain and suffering, compensatory damages, punitive damages, mental anguish, emotional distress, and reasonable attorney's fees. To assist the City of San Antonio in determining whether it should settle this case, this Office is prepared to forward Mrs. Hebron's medical records, her resume, and other relevant information to you to review. Ms. Hebron is willing to enter into good faith negotiations with the City of San Antonio and its Police Department to settle this matter.

If this Office does not receive a response to this letter within forty-five days from the date of receipt, appropriate legal action will be pursued. Once again if the City of San Antonio is interested in settling this matter please feel free to contact me. If I may provide you with additional information or if you have any questions, please feel free to contact me at any time at (210) 532-1000.

Sincerely



Markes E. Kirkwood  
Attorney at Law

Ceed Joi Elisabeth Hebron