

2022CI01586

CAUSE No. \_\_\_\_\_

CITY OF SAN ANTONIO

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IN THE DISTRICT COURT

V.

\_\_\_\_\_ JUDICIAL DISTRICT

ISRAEL CASTRO, HENSLEY REAL  
ESTATE LLC, TWIN SISTERS  
CANTINA, AND THE PLACE AND  
PREMISES LOCATED AT 1701 S.  
HACKBERRY, SAN ANTONIO,  
BEXAR COUNTY, TEXAS

BEXAR COUNTY, TEXAS

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**PLAINTIFF’S ORIGINAL PETITION AND VERIFIED APPLICATION  
FOR TEMPORARY RESTRAINING ORDER, TEMPORARY  
INJUNCTION AND PERMANENT INJUNCTION – IN PERSONAM & IN  
REM**

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TO THE HONORABLE JUDGE OF SAID COURT:

Now comes **CITY OF SAN ANTONIO**, Plaintiff (hereinafter “Plaintiff” or “City”), complaining of the actions of **ISRAEL ISIAH CASTRO (“Operator/Tenant”), HENSLEY REAL ESTATE LLC (“Owner”)** (all hereinafter “Defendants”), and the **Place and Premises located at 1701 S. Hackberry, San Antonio, Bexar County, Texas, also known as TWIN SISTERS CANTINA**. In support thereof, Plaintiff would respectfully show unto the Court as follows:

**I. DISCOVERY CONTROL PLAN AND REQUEST FOR DISCLOSURE**

1. The City intends to conduct discovery under Level 2 of Rule 190 of the Texas Rules of Civil Procedure.
2. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, defendants are requested to disclose, within fifty (50) days of service of this request, the information or materials described in Rule 194.2(a)-(c) and Rule 194.3(e)-(i).

## II. PARTIES

3. Plaintiff is a home-rule municipal corporation created and existing pursuant to Article XI, Section 5 of the Texas Constitution.

4. Defendant, ISRAEL CASTRO, is an individual who may be served in accordance with the Texas Rules of Civil Procedure by serving him at:

ISRAEL CASTRO  
1701 S. Hackberry  
San Antonio, Texas 78210

Defendant, HENSLEY REAL ESTATE, LLC is a Texas corporation doing business in San Antonio, Bexar County, Texas. It can be served with process by serving its managing partner as well at its Registered Agent at:

DARIN DEAN HENSLEY  
Managing Partner  
1507 Houston St., Apt. 232  
Austin, Texas 78756

REGISTERED AGENTS, INC.  
5900 Balcones Dr., STE 100  
Austin, Texas 78731

## III. VENUE

Venue for this action is properly in Bexar County pursuant to Texas Local Government Code §54 and Civil Practice & Remedies Code §125. Venue is also proper because the property that is subject of this suit is in Bexar County.

## IV. REAL PROPERTY DESCRIPTION

The real property made the basis of this suit is described as *NCB 6818 BLK 0 LOT N 80.03 FT OF LOTS 14 & 15* within the City of San Antonio, Bexar County, Texas. Said real property is more commonly known as 1701 S. Hackberry, San Antonio, Texas (hereinafter “property”) and also known as Twin Sisters Cantina.

## **V. CAUSE OF ACTION**

Plaintiff, by and through its City Attorney, is duly authorized by the Texas Civil Practice and Remedies Code § 125.002 to bring and prosecute these causes of action to enjoin and have abated those criminal activities declared to be a common nuisance and to have the place and premises which occupy the real estate known by the street address of 1701 S. Hackberry, in San Antonio, Bexar County, Texas closed for one year.

Plaintiff seeks to have the aforementioned property and the illegal activity occurring thereon declared a common nuisance. Plaintiff seeks to enjoin defendants from knowingly tolerating and maintaining a place to which persons habitually go for the purposes of aggravated assaults with deadly weapons, discharge of firearms, delivery and/or possession of narcotics, illegal sale, possession, and/or consumption of alcohol, illegal occupancy of building, and illegal operations of a business. The reputation of the property is known to both law enforcement and citizens as a place to which persons habitually go for criminal purposes.

Plaintiff seeks injunctive relief whereby the declared nuisances are abated, the property ordered closed for one year, and defendants ordered to post a bond.

Pursuant to Civil Practice and Remedies Code, §6.002, no bond is required of Plaintiff. Further, Plaintiff need not plead specific harm or inadequacy of legal remedy.

## **VI. CHAPTER 125, CIVIL PRACTICE & REMEDIES CODE**

### **A. FACTS**

Defendant Israel Castro has continually and knowingly maintained a place to which persons habitually go for the purposes of aggravated assaults with deadly weapons, discharge of firearms, narcotics activity, disturbances, and the illegal sale, possession, and/or consumption of alcohol. Police officers from the San Antonio Police Department have had to respond to the

location nearly **300** times over the past three years primarily for shootings and disturbances from the illegal events at the bar and parking lot.

Defendant Israel Castro is the tenant and operator of the bar on the premises. Defendant Hensley Real Estate LLC is the owner of the property. The bar is known as Twin Sisters Cantina. The bar has **NO TABC permit** as it was revoked in 2020. Per owner Hensley, eviction proceedings were begun against Castro sometime about September 2021 for failure to pay rent. Castro has refused to tender the premises and is currently attempting to appeal his eviction.

Defendant Israel Castro continues to operate the bar after the revocation of the TABC permit and continues to hold events with alcohol on the premises and parking lot including live music. Numerous calls for disturbances and shootings continue to be received by the San Antonio Police Department.

The City's Dangerous Assessment Response Team (DART) undertook an investigation of the property due to the habitual criminal activity and heightened threat to the neighboring citizens. As a consequence of the investigation, Castro's Certificate of Occupancy to operate the business was revoked on 12/21/21. On the same date, a Notice to Vacate the premises was issued prohibiting occupancy of the property in addition to business operations. Defendant Castro ignored these actions, tore down the posted notices, and opened up for business that same night. Police officers had to respond to the location that very same night for shootings and disturbances.

Utilities were disconnected as a consequence of Defendant Castro's complete disregard for the revocation and notice to vacate. Defendant Castro continues to operate without legal utilities.

Shootings have occurred nearly every day that Castro continues to illegally operate the business. Disturbances also continue daily. **Since the date of revocation and notice to vacate, the San Antonio Police Department has had to respond to the location 45 times for 22 shootings and 14 disturbances – up to and including the date of filing of this petition.** Defendant Castro continues to show a complete and utter disregard for the lives of our citizens.

Specifically, Plaintiff alleges that on the dates below the following criminal activities were responded to by the San Antonio Police Department:

	<b>DATE</b>	<b>OFFENSE</b>
1)	01/26/22	Shooting
2)	01/26/22	Shooting
3)	01/26/22	Shooting
4)	01/24/22	Shooting
5)	01/22/22	Fight
6)	01/20/22	Disturbance
7)	01/20/22	Shooting
8)	01/20/22	Disturbance with Gun
9)	01/16/22	Shooting
10)	01/15/22	Shooting
11)	01/15/22	Disturbance
12)	01/09/22	Shooting
13)	01/08/22	Disturbance
14)	01/07/22	Disturbance
15)	01/06/22	Shooting

	<b>DATE</b>	<b>OFFENSE</b>
16)	12/31/21	Shooting
17)	12/28/21	Disturbance
18)	12/27/21	Disturbance
19)	12/25/21	Shooting
20)	12/25/21	Disturbance
21)	12/24/21	Shooting
22)	12/24/21	Disturbance
23)	12/22/21	Shooting
24)	12/22/21	Disturbance
25)	12/22/21	Disturbance
		<b>**CERTIFICATE OF OCCUPANCY REVOKED**</b>
		<b>**NOTICE TO VACATE PREMISES ISSUED**</b>
26)	12/19/21	Disturbance
27)	12/18/21	Disturbance
28)	12/17/21	Liquor Law Violation
29)	12/17/21	Disturbance
30)	12/13/21	Disturbance
31)	12/11/21	Shooting
32)	12/07/21	Shooting
33)	12/06/21	Disturbance
34)	12/05/21	Disturbance
35)	11/27/21	Shooting
36)	11/27/21	Disturbance

	<b>DATE</b>	<b>OFFENSE</b>
37)	11/22/21	Shooting
38)	11/21/21	Disturbance
39)	11/20/21	Disturbance
40)	11/18/21	Shooting
41)	11/17/21	Disturbance
42)	11/14/21	Disturbance
43)	11/13/21	Disturbance
44)	11/07/21	Shooting
45)	11/06/21	Shooting
46)	11/01/21	Shooting
47)	10/30/21	Shooting
48)	10/30/21	Disturbance
49)	10/30/21	Disturbance
50)	10/29/21	Disturbance
51)	10/27/21	Disturbance
52)	10/24/21	Fight
53)	10/23/21	Shooting
54)	10/22/21	Disturbance
55)	10/17/21	Shooting
56)	10/17/21	Disturbance
57)	10/16/21	Disturbance

	<b>DATE</b>	<b>OFFENSE</b>
58)	10/11/21	Liquor Law Violation
59)	10/09/21	Shooting
60)	10/08/21	Shooting
61)	10/08/21	Disturbance
62)	10/05/21	Disturbance
63)	10/03/21	Disturbance
64)	10/03/21	Fight
65)	10/02/21	Disturbance
66)	09/30/21	Shooting
67)	09/26/21	Liquor Law Violation
68)	09/26/21	Shooting
69)	09/24/21	Disturbance
70)	09/23/21	Disturbance
71)	09/19/21	Shooting
72)	09/13/21	Disturbance
73)	09/10/21	Disturbance
74)	09/04/21	Shooting
75)	08/31/21	Liquor Law Violation
76)	08/27/21	Disturbance
77)	07/14/21	Disturbance
78)	06/18/21	Fight
79)	06/13/21	Liquor Law Violation



	<b>DATE</b>	<b>OFFENSE</b>
80)	06/08/21	Shooting
81)	06/05/21	Shooting
82)	06/04/21	Shooting
83)	06/03/21	Shooting
84)	05/25/21	Shooting
85)	05/25/21	Disturbance
86)	05/14/21	Disturbance
87)	05/03/21	Fight
88)	04/21/21	Fight
89)	04/17/21	Shooting
90)	04/10/21	Disturbance
91)	04/10/21	Narcotics
92)	04/10/21	Liquor Law Violation
93)	04/09/21	Shooting
94)	04/04/21	Disturbance
95)	04/04/21	Shooting
96)	03/31/21	Shooting
97)	01/29/21	Disturbance
98)	01/22/21	Fight
99)	01/04/21	Disturbance
100)	01/04/21	Fight

	<b>DATE</b>	<b>OFFENSE</b>
101)	12/20/20	Disturbance
102)	11/22/20	Shooting
103)	07/25/20	Disturbance
104)	07/25/25	Assault
105)	06/14/20	Disturbance
106)	02/23/20	Disturbance
107)	01/26/20	Disturbance
108)	01/16/20	Assault
109)	01/10/20	Liquor Law Violation
110)	01/08/20	Liquor Law Violation
111)	01/07/20	Disturbance
112)	01/05/20	Liquor Law Violation
113)	01/03/20	Shooting

## **VII. CHAPTER 54, LOCAL GOVERNMENT CODE**

### **A. FACTS**

The business and structure at 1701 S. Hackberry does not have a certificate of occupancy. No business may operate in a building or structure without a valid certificate of occupancy. §10-12(a), City of San Antonio Code of Ordinances.

Due to flagrant and repeated violations of regulations and ordinances, the City's building official revoked the certificate of occupancy on December 21, 2021 pursuant to City Code 10-12(d), City of San Antonio Code of Ordinances.

Additionally, a Notice to Vacate the premises was issued on the same date, December 21, 2021 prohibiting any persons from being on the property.

Defendant Castro continues to illegally operate his business without a certificate of occupancy after repeated warnings and citations. Utilities were disconnected on 12/22/21. This did not stop Defendant Castro from continuing his illegal operations.

Castro has operated his business and allowed persons on the property in flagrant disregard of City orders on 1/26/22, 1/25/22, 1/24/22, 1/20/22, 1/16/22, 1/15/22, 1/9/22, 1/8/22, 1/7/22, 1/6/22, 12/31/21, 12/30/21, 12/28/21, 12/27/21, 12/25/21, 12/24/21, and on 12/22/21 – just hours after the revocation notice and notice to vacate were issued and posted on the property.

#### **B. Request for Civil Penalties**

Pursuant to Chapter 54.017, in a suit against an owner or the owner's representative with control over the premises, the City may recover civil penalties in the amount of \$1,000.00 per day per code violation. The City tenders its demand for, and prays that this court grant unto it, a civil penalty to be levied against defendant Castro in the sum of \$1,000.00 per day and per violation, from the date that he was issued notice of the revocation and notice to vacate and until the resolution of this suit. As of the date of this petition, the financial liability of defendant Castro is \$25,500.00 which shall reasonably increase up to date of trial if defendant continued to flagrantly violate the law.

#### **VIII. APPLICATION FOR TEMPORARY RESTRAINING ORDER**

Plaintiff asks the Court to immediately enjoin defendants from allowing or tolerating aggravated assaults, assaults, discharge of firearms, reckless discharge of firearms, liquor violations, narcotics activity and/or disturbances on or about the property. Plaintiff asks the Court to set reasonable requirements to prevent the use of the property as a common nuisance.

It is probable Plaintiff will prevail after a trial on the merits because defendants' property is a common nuisance and poses a substantial threat to life and safety. Plaintiff's citizens and defendants' customers and neighbors will suffer imminent and irreparable injury if the Court does not grant the requested TRO because the shootings occurring on the property pose a substantial threat to the life and safety of any persons on or near the property.

Plaintiff has no adequate remedy at law because the damage to human life and property is incalculable. Plaintiff requests to have bond waived by the Court pursuant to Civil Practice and Remedies Code, §6.002.

Plaintiff attempted to contact defendant **ISRAEL CASTRO** to advise him of this Application for TRO.

Plaintiff contacted defendant **HENSLEY REAL ESTATE LLC**'s attorney and advised him of this Application and time set for hearing.

### **IX. REQUEST FOR TEMPORARY INJUNCTION**

Plaintiff asks the Court to set its petition for temporary injunction for a hearing, and after hearing, issue a temporary injunction against defendants. Plaintiff asks the Court to enjoin defendants from occupying the property and from reopening the business without a certificate of occupancy – maintaining the status quo. Plaintiff further asks the Court to temporarily enjoin defendants from allowing or tolerating aggravated assaults with deadly weapons, discharge of firearms, manufacture, use and/or delivery of controlled substances, liquor violations, and/or disturbances. Plaintiff asks the Court to set reasonable requirements to prevent the use of the property as a common nuisance.

It is probable Plaintiff will prevail after a trial on the merits because defendants' property is a common nuisance and poses a substantial threat to public life and safety, because it has no

valid certificate of occupancy, is under a vacate order, and of the continuous shootings. Plaintiff's citizens will suffer imminent and irreparable injury if the Court does not grant the requested temporary injunction because the criminal activities occurring on the property pose a substantial threat to the life and safety of any persons on or near the property.

Plaintiff has no adequate remedy at law because the damage to human life and property is incalculable. Plaintiff requests to have bond waived by the Court pursuant to Civil Practice and Remedies Code, §6.002.

### **X. REQUEST FOR PERMANENT INJUNCTION**

Plaintiff asks the Court set its request for a permanent injunction for a full trial on the merits and, after trial, issue a permanent injunction against defendants.

### **XI. PRAYER**

Unless enjoined to cease and desist, defendants will continue indefinitely to allow violations of the Texas Penal Code, Texas Alcoholic Beverage Code, and City Ordinances to occur on the premises of 1701 S. Hackberry, San Antonio, Bexar County, Texas.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Court grant its application for Temporary Restraining Order, issue a temporary injunction after hearing, and permanent injunction after full trial on the merits, enjoining defendants, defendants' agents, servants, employees, assigns, successors in interest, and any other persons in privity with defendants to:

#### **TEMPORARY RESTRAINING ORDER**

- (1) Immediately cease business operations on and within 1701 S. Hackberry, San Antonio, Bexar County, Texas in compliance with the orders issued by the City.

- (2) Immediately prohibit persons from being on and within the premises of 1701 S. Hackberry, San Antonio, Bexar County, Texas in compliance with the City's Order to Vacate the premises.
- (3) Immediately cease and desist from maintaining, participating and/or tolerating the discharge of firearms, reckless discharge of firearms, aggravated assaults, assaults, narcotics activity, disturbances, and liquor violations at 1701 S. Hackberry, San Antonio, Bexar County, Texas.
- (4) Prohibit the provision of alcohol for purchase and/or consumption on the premises without a valid TABC permit.
- (5) Prohibit defendant Castro and his agents, employees, and assigns from entering the property until such time as the Temporary Injunction is adjudicated.
- (6) Allow the City and/or the Defendant Owner to erect fencing around the perimeter of the property at 1701 S. Hackberry, San Antonio, Bexar County, Texas so as to enforce this Court's orders.
- (7) Allow the City and/or Defendant Owner to secure the illegal structure until such time as the Temporary Injunction is adjudicated and defendant obtains a valid Certificate of Occupancy.
- (8) Allow officers of the San Antonio Police Department to arrest unauthorized persons found to be on the property until such time as the Temporary Injunction is adjudicated and the City rescinds its Notice to Vacate and issues a Certificate of Occupancy.
- (9) Individuals who violate this Order are subject to contempt action pursuant to Chapter 125.002(d):
  - (1) a fine of not less than \$1,000 or more than \$10,000;
  - (2) confinement in jail for a term of not less than 10 or more than 30 days; or
  - (3) both fine and confinement.

### **TEMPORARY INJUNCTION**

- (1) Require immediate compliance with the City's vacate order issued November 24, 2020;
- (2) Require immediate compliance with the City's order to cease business operations after the revocation of its certificate of occupancy on November 24, 2020;

- (3) Require defendants and their agents to immediately cease and desist from maintaining, participating and/or tolerating the common nuisance at 1701 S. Hackberry, San Antonio, Bexar County, Texas;
- (4) Require that the defendant execute a bond which must:
  - (a) be payable to the State in Bexar County;
  - (b) be in the amount set for not less than \$5,000.00 nor more than \$10,000.00;
  - (c) have sufficient sureties approved by the court; and
  - (d) be conditioned that the defendant will not knowingly maintain a common nuisance to exist at the property.
- (5) Include any other reasonable requirements to prevent the use or maintenance of the place as a common or public nuisance.

**PERMANENT INJUNCTION**

- (1) Declare the property located at 1701 S. Hackberry, Bexar County, Texas to be a common nuisance pursuant to Chapter 125, Texas Civil Practice and Remedies Code;
- (2) Issue a Permanent Injunction permanently enjoining defendant, defendant's agents, servants, employees, assigns, successors in interest, and any other persons in privity with defendant:
  - (a) To cease and desist from knowingly tolerating and maintaining a place to which persons habitually go for tolerating aggravated assaults with deadly weapons, discharge of firearms, manufacture, use and/or delivery of controlled substances, liquor violations; and disturbances;
  - (b) To immediately abate the common nuisance;
  - (c) To close, secure, and board the property for a period of one year after date of judgment.
- (3) Order any other reasonable requirements to prevent the use or maintenance of the place as a common nuisance;
- (4) Authorize Officers of the San Antonio Police Department to remove any persons found on the premises on or after the date of closure;
- (5) Authorize Plaintiff to board and secure the property should defendants fail to do so within ninety-six (96) hours after issuance of judgment;

- (6) Award Plaintiff attorneys fees and court costs pursuant to Section 125.003(d) of the Texas Civil Practice and Remedies Code;
- (7) Issue a Permanent Injunction permanently enjoining defendants from re-opening the property and business without a certificate of occupancy;
- (8) Issue a Permanent Injunction permanently enjoining defendants from allowing persons on the property while the Notice to Vacate is in effect; and
- (9) Grant such other relief, in law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

ANDREW SEGOVIA  
Office of the City Attorney  
City of San Antonio  
Prosecution Division  
401 S. Frio  
San Antonio, Texas 78207

/S/ Savita Rai

SAVITA RAI  
Assistant City Attorney  
Texas Bar Number: 24013368  
SAMUEL ADAMS  
Texas Bar Number: 24003680  
Assistant City Attorney  
Telephone Number: (210) 207-7154  
Fax Number: (210) 207-7358

*Attorneys for Plaintiff, CITY OF SAN ANTONIO*



VERIFICATION

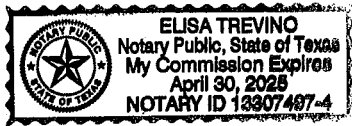
STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR   §

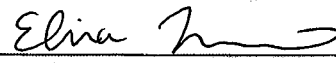
BEFORE ME, the undersigned authority, on this day personally appeared Jenny Ramirez, the affiant, a person whose identity is known to me. After I administered an oath to affiant, affiant testified:

“My name is Dale Russell. I am a Development Services Code Enforcement Manager for the City of San Antonio and a supervising member of the Dangerous Assessment Response Team (DART). I am capable of making this verification. I have read the *Plaintiff's Original Petition and Verified Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction – In Personam & In Rem*. The facts stated in it are within my personal knowledge and are true and correct.”

  
\_\_\_\_\_  
JENNY RAMIREZ

SUBSCRIBED and SWORN to before me on January 27, 2022, to which I place my official seal.



  
\_\_\_\_\_  
Notary Public, State of Texas