

Buehler Lawsuit Victory

Peaceful Streets Project founder can take his civil rights suit to trial

By [Chase Hoffberger](#), [Fri., Aug. 1, 2014](#)



Antonio Buehler
Photo by John Anderson

Peaceful Streets Project founder **Antonio Buehler** jumped a big hurdle in his federal lawsuit filed against the **Austin Police Department** last week, when a U.S. magistrate judge denied motions to dismiss the case, ruling a citizen's right to record police officers in the line of duty was well established at the time of Buehler's first arrest, and that Officers **Patrick Oborski** and **Robert Snider**, the two who arrested Buehler on Jan. 1, 2012, are not immunized against allegations that they arrested the local activist without probable cause.

In a detailed, 36-page opinion issued last Thursday, Judge **Mark Lane** ruled in favor of Buehler on all motions save the two addressing claims that Oborski and Snider used excessive force against Buehler and a freestanding claim of malicious prosecution. Lane allowed Buehler's claims that the offending officers violated his **First Amendment** rights, arrested him without reason, and unlawfully searched his person and seized his camera. Lane also concluded that the city's failure to establish a policy, failure to train, and failure to supervise officers on relevant protocols and procedures also should be considered moving forward. All charges stem from the controversial Jan. 1, 2012, arrest of Buehler, in which he was apprehended for videotaping a woman being investigated for a potential DUI at a Downtown convenience store, as well as separate incidents in August and September of 2012, when Buehler was again arrested while filming officers in action.

In a thank-you note to his supporters Monday morning, Buehler wrote that he still plans to go to trial "to expose not only Patrick Oborski and Robert Snider for the crimes they committed on Jan. 1, 2012, but also the corrupt actions of **Adam Johnson** and **Justin Berry** (involved in the subsequent arrests), as well as the cover-up by the Austin Police Department," though the city will have time to make an appeal to the **5th U.S. Circuit Court of Appeals**. (Calls to the city attorney's office about a potential appeal had not been returned at press time.)

On Monday, Buehler's attorney **Daphne Silverman** told the *Chronicle* that history suggests an appeal is quite likely. "I welcome it," she added. "If they appeal to the 5th Circuit, then we get a chance to make sure that Judge Lane's detailed, thorough researching of the issue is presented to the 5th Circuit in that fashion, and that the 5th Circuit either blesses it or takes it to the Supreme Court. I'd like to see the 5th Circuit look at it and am optimistic that the 5th Circuit would agree with him."