

**STATE OF NEW MEXICO
COUNTY OF TORRANCE
SEVENTH JUDICIAL DISTRICT COURT**

FILED
7th JUDICIAL DISTRICT COURT
Torrance County
9/15/2025 9:13 AM
SUSAN ROSSIGNOL
CLERK OF THE COURT
/s/ Kathleen Saavedra

JILL GATWOOD,

Murdock, Shannon

Plaintiff,

v.

No. D-722-CV-2025-00211

CITY OF MORIARTY AND TORRANCE COUNTY,

Defendants.

COMPLAINT FOR DEPRIVATIONS OF CIVIL RIGHTS

Plaintiff Jill Gatwood brings this Complaint for deprivations of her civil rights. On February 22, 2025, Ms. Gatwood was peacefully protesting outdoors on a public sidewalk near the Moriarty Civic Center, a government building, holding a handmade sign stating her political beliefs. Moriarty Police Officer Jonathan Myrick and other officers demanded that she leave. Myrick claimed that she could not be on the public sidewalk because a private gun show had rented the Civic Center for a private event. After Ms. Gatwood refused to leave the public sidewalk, asserting her fundamental right to protest, Myrick arrested her and charged her with criminal trespass, a misdemeanor. Torrance County then jailed her for approximately 72 hours in deplorable conditions, denying her prescribed medication and keeping her in a cell alone, allowing her only short periods out of her cell each day. Within days of her release, a Moriarty municipal court judge dismissed the criminal trespass charge against Ms. Gatwood with prejudice.¹

¹ Order Dismissing Case, *State of New Mexico v. Jill Gatwood*, No. 25020021 (City of Moriarty Municipal Court, Mar. 5, 2025).

Jurisdiction and Venue

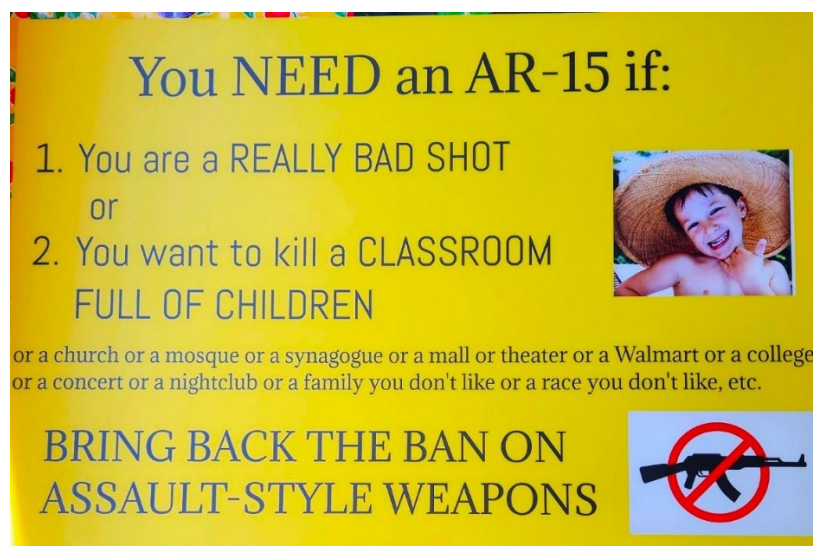
1. This Court has jurisdiction over Plaintiff's claims under the New Mexico Civil Rights Act, NMSA 1978, § 41-4A-3(B) (2021).
2. This district is the proper venue for Plaintiff's claims because the cause of action arose in Torrance County. NMSA 1978, §§ 41-4A-3(B) (2021) and 38-3-1(A) (1875, as amended through 1988).

Parties

3. Plaintiff Jill Gatwood is a resident of Albuquerque, New Mexico.
4. Defendants City of Moriarty and Torrance County are each a "public body" under the New Mexico Civil Rights Act, NMSA 1978, § 41-4A-2 (2021).

General Allegations

5. On February 22, 2025, Jill Gatwood was standing by herself outdoors on a public sidewalk outside the Moriarty Civic Center.
6. Inside the Moriarty Civic Center was a gun show.
7. Ms. Gatwood was holding a sign stating her political beliefs.



Ms. Gatwood's sign

8. Ms. Gatwood was exercising a quintessentially protected constitutional right – the right to political protest.

9. Nevertheless, the gun show organizer was unhappy that Ms. Gatwood was standing outside with her sign.

10. The gun show organizer complained about Ms. Gatwood’s presence outdoors on the public sidewalk to the Moriarty police.

11. Moriarty Police Officer Jonathan Myrick and other officers then demanded that Ms. Gatwood leave.



Still from Moriarty Police Officer Myrick’s body camera showing two other officers and Plaintiff

12. The officers claimed that she could not be outdoors on the public sidewalk because a third party – the gun show – had rented the Moriarty Civic Center.

13. Ms. Gatwood calmly refused to leave.

14. Officer Myrick and the other officers arrested Ms. Gatwood without a warrant.

15. Officer Myrick charged Ms. Gatwood with criminal trespass – a misdemeanor.

16. Officer Myrick claimed in the criminal complaint that criminal trespass was a violation of “Ordinance 2-2-4.”

17. When asked about the ordinance later, Torrance County Court personnel were initially unable to locate that ordinance in Moriarty's or Torrance County's codes.

18. The cited ordinance is also not published online.²

19. Moreover, standing peacefully outdoors on a public sidewalk with a sign is constitutionally protected and, therefore, cannot be the basis for a criminal charge.

20. Because Ms. Gatwood was not committing, and had not committed, a crime, Officer Myrick had no grounds to arrest her.

21. Nevertheless, after arresting Ms. Gatwood, Officer Myrick transported her to the Torrance County Detention Facility.

22. Defendant Torrance County detained Ms. Gatwood at the Torrance County Detention Facility from Saturday, February 22, 2025, through Tuesday, February 25, 2025.

23. During booking, Torrance County Detention Facility guards conducted a strip-search of Ms. Gatwood and forced her to bend forward, spread her buttocks, and cough.

24. When Ms. Gatwood asked when she would be released, Torrance County Detention Facility guards claimed that they did not release anyone during weekends and did not know anything about how she could be released.

25. Torrance County Detention Facility guards denied Ms. Gatwood her prescribed medication, including medication that is unsafe to stop taking abruptly.

26. Ms. Gatwood experienced withdrawal symptoms – including a crying spell – because of the abrupt discontinuation of prescribed medication.

² The ordinance was later obtained through a public records request. It states, "Criminal trespass consists of unlawfully entering or remaining upon the lands or property of another knowing that any consent to enter or remain has been denied or withdrawn by the person or persons lawfully in possession of the premises or after the request or demand to leave the premises by the authorized representative of the person or persons lawfully in possession of the premises."

27. A Torrance County Detention Facility guard threatened to spray Ms. Gatwood in the face with mace if her crying spell persisted.

28. Torrance County Detention Facility guards kept Ms. Gatwood alone in a cell, allowing her out of her cell only a few times over 72 hours – each time, for about thirty minutes.

29. During those 72 hours, Torrance County Detention Facility guards provided food that smelled and looked like vomit and was inedible.

30. In unlawfully arresting and detaining her, Defendants caused Ms. Gatwood to suffer dignitary harm and emotional harm and suffering.

Causes of Action

Count I – Arrest without Probable Cause Violation of Article II, Section 10 of the New Mexico Constitution Actionable under the New Mexico Civil Rights Act, NMSA 1978, § 41-4A-3 (2021)

31. Plaintiff realleges and incorporates by reference all the above paragraphs and subparagraphs as if they were fully set forth herein.

32. The New Mexico Civil Rights Act waives a public body’s sovereign immunity for civil rights claims. When a “public body or person acting on behalf of, under color of or within the course and scope of the authority of the public body” deprives a person of their “rights, privileges or immunities secured by the bill of rights of the constitution of New Mexico,” the public body is liable. NMSA 1978, §§ 41-4A-3, 41-4A-9 (2021).

33. Ms. Gatwood gave Defendants timely notice within one year after the incident giving rise to her New Mexico Civil Rights Act claims. *See* NMSA 1978, § 41-4A-13.

34. Article II, Section 10 of the New Mexico Constitution provides that “[t]he people shall be secure in their persons ... from unreasonable searches and seizures” and requires “a

written showing of probable cause, supported by oath or affirmation” for a warrant. N.M. CONST. art. II, § 10.

35. Section 10 affords “more protection against unreasonable searches and seizures” than the federal Fourth Amendment.³

36. Ms. Gatwood had a right to be free from an arrest since she was not committing and had not committed a crime.⁴

37. Defendant City of Moriarty arrested Ms. Gatwood, violating her right to be free from an unreasonable seizure under Article II, Section 10 of the New Mexico Bill of Rights.

38. Ms. Gatwood suffered damages, including dignitary harm and emotional harm and suffering, because of Defendant City of Moriarty’s actions.

**Count II – Arrest for Protected Protest
Violation of Article II, Section 17 of the New Mexico Constitution
Actionable under the New Mexico Civil Rights Act, NMSA 1978, § 41-4A-3 (2021)**

39. Plaintiff realleges and incorporates by reference all the above paragraphs and subparagraphs as if they were fully set forth herein.

40. Article II, Section 17 of the New Mexico Constitution provides that “[e]very person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press” N.M. CONST. art. II, § 17.

³ See, e.g., *State v. Leyva*, 2011-NMSC-009, ¶ 51, 149 N.M. 435 (“It is well-established that Article II, Section 10 provides more protection against unreasonable searches and seizures than the Fourth Amendment.”).

⁴ See *City of Santa Fe v. Martinez*, 2010-NMSC-033, ¶ 6, 148 N.M. 708, 242 P.3d 275 (“[A]n officer may only arrest without a warrant one guilty of a misdemeanor if committed in his presence.”).

41. Section 17 protects more speech and expression than the First Amendment to the U.S. Constitution.⁵

42. Section 17 protected Ms. Gatwood’s right to peacefully protest by holding a sign outdoors on a public sidewalk near the Moriarty Civic Center.

43. Defendant City of Moriarty arrested Ms. Gatwood for exercising her freedoms to protest outdoors on a public sidewalk and display a sign expressing her political beliefs, violating her right to free speech under Article II, Section 17 of the New Mexico Constitution.

44. Ms. Gatwood suffered damages, including dignitary harm and emotional harm and suffering, because of Defendant City of Moriarty’s actions.

Count III – Unlawful Detention
Violation of Article II, Sections 4 and 10 of the New Mexico Constitution
Actionable under the New Mexico Civil Rights Act, NMSA 1978, § 41-4A-3 (2021)

45. Plaintiff realleges and incorporates by reference all the above paragraphs and subparagraphs as if they were fully set forth herein.

46. Article II, Section 4 provides that “[a]ll persons are born equally free, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty, of acquiring, possessing and protecting property, and of seeking and obtaining safety and happiness.” N.M. CONST. art. II, § 4.

47. Article II, Section 10 of the New Mexico Constitution provides that “[t]he people shall be secure in their persons ... from unreasonable searches and seizures” and requires “a

⁵ *City of Farmington v. Fawcett*, 1992-NMCA-075, ¶ 32, 114 N.M. 537, 843 P.2d 839. *See also* Linda Vanzi, *First Amendment – The Expansion of the Obscenity Doctrine in New Mexico; Is It Tolerable* – *City of Farmington v. Fawcett*, 24 N.M. L. Rev. 505, 505 (1994) (noting the New Mexico Court of Appeals “held that the New Mexico Constitution extends broader protection to freedom of expression than does the First Amendment of the United States Constitution”).

written showing of probable cause, supported by oath or affirmation” for a warrant. N.M. CONST. art. II, § 10.

48. Under Article II, Section 10, pretrial detention – a kind of seizure – must be based on probable cause.⁶

49. Under Article II, Section 4, Ms. Gatwood has the right to liberty.

50. In detaining her without probable cause for 72 hours, Defendants deprived Ms. Gatwood of her rights to liberty and to be free of unlawful detention, violating Article II, Sections 4 and 10 of the New Mexico Constitution.

51. Ms. Gatwood suffered damages, including dignitary harm and emotional harm and suffering, because of Defendants’ actions.

Prayer for Relief

Plaintiff respectfully requests the following relief against Defendants:

1. Compensatory damages, including damages for dignitary harm and emotional distress, in an amount to be determined by the jury.
2. Pre-judgment and post-judgment interest as allowed by law.
3. Reasonable attorneys’ fees and costs of suit as provided by NMSA 1978, § 41-4A-5 (2021).
4. Such other and further relief as the Court deems just and proper.

Dated: September 15, 2025

Respectfully submitted,

s/ Kristin Greer Love
Kristin Greer Love
Lalita Moskowitz

⁶ See, e.g., *Manuel v. City of Joliet*, 580 U.S. 357, 366-68 (2017) (arrest without probable cause and pretrial detention without probable cause give rise to two separate claims for constitutional violations of the right to be free from unreasonable seizures).

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