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# **Exhibit**

# **19**



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AND CRIMINAL CHARGES (AFFI-SANCTIONS”), referenced and incorporated herein as if attached hereto.

3. Exhibit A to the RESPONSE is a forged document. William M. Windsor did not sign this document before witnesses who signed later and claimed to have witnessed his signature.

4. Exhibit A is NOT the “Affidavit and Bond” signed on December 19, 2014.

5. Tabitha Smith was not present in Judge Cindy Ermatinger’s courtroom when William M. Windsor signed documents on December 19, 2014.

6. Tabitha Smith’s affidavit is false, and the alleged fact that she maintains files is irrelevant. Her affidavit is hearsay. Her affidavit may also be perjury. A Motion for Sanctions and Criminal Charges against Tabitha Smith and the State of Texas has been filed, and it is referenced and incorporated herein.

7. James Cook was not a witness in Judge Cindy Ermatinger’s courtroom when William M. Windsor signed documents on December 19, 2014. A Motion for Sanctions and Criminal Charges against James Cook and the State of Texas has been filed, and it is referenced and incorporated herein.

8. Cheri Lujan was not a witness in Judge Cindy Ermatinger’s courtroom when William M. Windsor signed documents on December 19, 2014. A Motion

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for Sanctions and Criminal Charges against Cheri Lujan and the State of Texas has been filed, and it is referenced and incorporated herein.

9. Terry Ogden was not a witness in Judge Cindy Ermatinger's courtroom when William M. Windsor signed documents on December 19, 2014. A Motion for Sanctions and Criminal Charges against Terry Ogden and the State of Texas has been filed, and it is referenced and incorporated herein.

10. Johnny Brown was not a witness in Judge Cindy Ermatinger's courtroom when William M. Windsor signed documents on December 19, 2014. A Motion for Sanctions and Criminal Charges against Johnny Brown and the State of Texas has been filed, and it is referenced and incorporated herein.

### **ARGUMENT**

**Exhibit A to the RESPONSE to the Defendant's Motion for Summary Judgment and to the State's Motion for Summary Judgment must be stricken.**

11. Exhibit A is NOT the "Affidavit and Bond" signed on December 19, 2014.

12. Exhibit A to the RESPONSE is a fraudulent document. William M. Windsor did not sign this document before witnesses who signed witnessing his signature.

13. Tabitha Smith's affidavit is false, and the alleged fact that she maintains files is irrelevant.

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14. Tabitha Smith was not present in Judge Cindy Ermatinger's courtroom when William M. Windsor signed documents on December 19, 2014. Her affidavit is hearsay. Her affidavit may also be perjury.

15. Texas Rules of Evidence Rule 901 requires authentication of documents, and Exhibit A to the RESPONSE has not been authenticated. Tabitha Smith's affidavit is hearsay pursuant to Texas Rules of Evidence Rule 801.

*(Poinette R. Godfrey and Jordan A. Godfrey-Stoval v. Security Service Federal Credit Union*, No. 08-10-00312-CV (Tex.App. Dist.8 12/07/2011).)

16. Tabitha Smith's affidavit is not based upon personal knowledge of the execution of the document. Tabitha Smith is not competent to testify as to the matters therein. This violates Texas Rules of Evidence Rule 166a(f).

17. Assistant Ellis County District Attorney Ann Montgomery-Moran knew that Exhibit A to the RESPONSE and to the State's Motion for Summary Judgment is fraudulent. Ann Montgomery-Moran knew that the so-called "PR BOND" in this case is not a valid and binding undertaking.

18. Assistant Ellis County District Attorney Ann Montgomery-Moran and the State are attempting to conceal the "Order of Release in Criminal Proceeding Subject to Outstanding Warrants, Holds and/or Bond" and the "Extradition Appearance Bond." [See Exhibit 6 to AFFI-2016-05-09, a true and correct copy of Exhibit A to the State's Response to Motion for Summary Judgment.] On Page 1,

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Section II of the “State’s Response to Defendant’s Motion for Summary Judgment” dated April 7, 2016, Exhibit A is identified as “Affidavit and Bond signed on December 19, 2014.” Assistant Ellis County District Attorney Ann Montgomery-Moran and the State have falsified these documents. Exhibits 3 and 4 to the AFFI-2016-05-09 were signed by William M. Windsor and given to him by Judge Cindy Ermatinger before he left her courtroom on December 19, 2014. The documents were signed in front of the State’s Attorney (Assistant Ellis County District Attorney Ann Montgomery-Moran); Ann Montgomery-Moran held them in her hands. Assistant Ellis County District Attorney Ann Montgomery-Moran knows she has filed fraudulent documents in this case and that she has committed crimes in the prosecution of this action. William M. Windsor never saw Exhibit A to the State’s Response to Motion for Summary Judgment or any other documents until the forged copy of Exhibit 4 to the AFFI-2016-05-09 surfaced when he was incarcerated and attended a hearing in 2015 in Missoula, Montana and until he received the “State’s Response to Defendant’s Motion for Summary Judgment” dated April 7, 2016.

19. According to the legal research that William M. Windsor has done, the signature of a surety on the “PR Bond” (Exhibit 4 or Exhibit 6 to the AFFI-2016-05-09) is a required element for the cause of action in this case. One of the essential elements of the State’s cause of action in a bond forfeiture proceeding is

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that “the surety executed the bond as a valid and binding undertaking.” As there was no execution by a surety, there is no basis for this case. There is no valid and binding undertaking.

20. The Transcript of the December 19, 2016 Hearing clearly shows that The State’s attorney, Ms. Ann Montgomery-Moran, stated this about the so-called PR BOND: “Mr. Windsor will have to sign this there in front of a deputy.” [Exhibit 2 to the AFFI-2016-05-09, P. 52, Lines 12-18; P. 57 Lines 1-14.]

21. William M. Windsor was simply released without being asked to sign anything at the Ellis County Texas Jail or have a Sheriff’s Department officer sign anything as State’s attorney, Ms. Ann Montgomery-Moran, and Ellis County Texas Judge Cindy Ermatinger said was required.

22. Judge Cindy Ermatinger gave William M. Windsor a copy of everything signed in her courtroom on December 19, 2014. These documents are Exhibit 5 to the AFFI-2016-05-09.

23. On December 19, 2014, the Ellis County Jail released William M. Windsor without having him sign anything except a receipt for his commissary money and a receipt for his clothes. He had previously been given three printed pages as the “Bond” Paperwork (Exhibit 5 to the AFFI-2016-05-09) by Judge Cindy Ermatinger in her courtroom. William M. Windsor later wrote to Judge Cindy Ermatinger to ask whether the Personal Recognizance Bond was valid since

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he was told he would need to sign bond paperwork at the jail. [Exhibit 7 to the AFFI-2016-05-09 is a true and correct copy of the January 19, 2015 letter that William M. Windsor wrote to Judge Cindy Ermatinger.] There was no response.

24. Assistant Ellis County District Attorney Ann Montgomery-Moran knew that the alleged PR Bond was not valid as it was not properly executed and was not a valid and binding undertaking.

25. Assistant Ellis County District Attorney Ann Montgomery-Moran is using a falsified version of William M. Windsor's bond paperwork. It has been falsified with James Cook and Cheri Lujan claiming to have witnessed my signature and with Terry Ogden, Johnny Brown signing outside William M. Windsor's presence. [Exhibit 6 to the AFFI-2016-05-09.]

26. James Cook did not witness William M. Windsor's signature at any time.

27. Cheri Lujan did not witness William M. Windsor's signature at any time.

28. Terry Ogden did not witness William M. Windsor's signature at any time.

29. Johnny Brown did not witness William M. Windsor's signature at any time.



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30. Tabitha Smith did not witness William M. Windsor's signature at any time.

31. State's Attorney Ann Montgomery-Moran witnessed William M. Windsor's signature in Judge Cindy Ermatinger's courtroom, and she knows that James Cook, Cheri Lujan, Terry Ogden, Johnny Brown, and Tabitha Smith did not witness William M. Windsor's signature.

32. State's Attorney Ann Montgomery-Moran witnessed William M. Windsor's signature in Judge Cindy Ermatinger's courtroom, and she knows that the State's filings are fraud upon the court.

33. Both versions of the Bond show that the signature for William M. Windsor as "Surety" are missing. It was supposed to be signed, and it was not. [See Exhibits 5 and 6 to the AFFI-2016-05-09.] William M. Windsor never signed anything as a "Surety."

34. Texas Rules of Criminal Procedure Article 17.08 details the "Requisites of a Bail Bond." Texas Rules of Criminal Procedure Article 17.08(4): That the bond be signed by name or mark by the principal and sureties, if any, each of whom shall write thereon his mailing address. Texas Rules of Criminal Procedure Article 17.08(5) requires: "That the bond state the time and place, when and where the accused binds himself to appear, and the court or magistrate before whom he is to appear." State's Exhibit A to the RESPONSE is not signed by

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Summary Judgment are not signed by William M. Windsor as the Surety; this violates Texas Rules of Criminal Procedure Article 17.08(4). State's Exhibit A to the RESPONSE fails to state the time and place, when and where the accused bound himself to appear. State's Exhibit A to the RESPONSE and Motion for Summary Judgment also fail to identify the court or magistrate before whom he was to appear, in violation of Texas Rules of Criminal Procedure Article 17.08(5).

35. As Exhibit A to the RESPONSE and Motion for Summary Judgment are must be stricken, Exhibit 1 to the AFFIDAVIT OF WILLIAM M. WINDSOR DATED MAY 9, 2016 is the only "affidavit" and alleged "bond" that this Court may consider.

36. This isn't a fact issue; this is a case of forgery and fraud upon the court.

**PRAYER**

37. William M. Windsor prays that the State's Response to Defendant's Motion for Summary Judgment and Exhibit A thereto is stricken; that the State's Motion for Summary Judgment is stricken; and that this Court grant such other and further relief as the Court finds appropriate.

Submitted this 20th day May 2016,

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**William M. Windsor**

William M. Windsor as the Surety; this violates Texas Rules of Criminal Procedure Article 17.08(4). State's Exhibit A to the RESPONSE fails to state the time and place, when and where the accused bound himself to appear. State's Exhibit A to the RESPONSE also fails to identify the court or magistrate before whom he was to appear, in violation of Texas Rules of Criminal Procedure Article 17.08(5).

35. As Exhibit A to the RESPONSE must be stricken, Exhibit 1 to the AFFIDAVIT OF WILLIAM M. WINDSOR DATED MAY 9, 2016 is the only "affidavit" and alleged "bond" that this Court may consider.

36. This isn't a fact issue; this is a case of forgery and fraud upon the court.

**PRAYER**

37. William M. Windsor prays that the State's Response to Defendant's Motion for Summary Judgment and Exhibit A thereto is stricken; that the State's Motion for Summary Judgment is stricken; and that this Court grant such other and further relief as the Court finds appropriate.

Submitted this 20th day May 2016,



William M. Windsor

**CERTIFICATE OF SERVICE**

William M. Windsor has sent a copy of this Motion to Strike State's Response to Defendant's Motion for Summary Judgment by email/by mail to Assistant Ellis County District Attorney Ms. M. Ann Montgomery-Moran, 109 S. Jackson Street, Waxahachie, Texas 75165.

This 20th day May 2016,

A handwritten signature in black ink that reads "William M. Windsor". The signature is written in a cursive style and is positioned above a horizontal line.

**William M. Windsor**  
110 East Center Street #1213  
Madison, South Dakota 57042  
770-578-1094 -- Email: [bill@billwindsor.com](mailto:bill@billwindsor.com)