

SANCTIONS, Exhibit 2.] This document is the key piece of evidence in this case, and it is a fraud. The actions of Assistant Ellis County Texas District Attorney Ann Montgomery-Moran caused William M. Windsor to be charged with felony bond jumping; to have a \$100,000 judgment awarded against him; to be indicted by an Ellis County Grand Jury; to be incarcerated for 35 days in Ada County Idaho and held on \$1,000,000 bond; to be incarcerated for 46 days in Missoula County Montana and held on \$1,000,000 bond; and he has not had his liberty for 507 days and counting. [AFFI-SANCTIONS, ¶2.]

3. Assistant Ellis County Texas District Attorney Ann Montgomery-Moran and the State of Texas have committed crimes in signing AFFI-SANCTIONS, Exhibit 2. Assistant Ellis County Texas District Attorney Ann Montgomery-Moran and the State of Texas must be sanctioned by this Court, and Judge Cindy Ermatinger must issue a bench warrant for her arrest on Perjury, Tampering with or Fabricating Physical Evidence, Tampering with Governmental Record, Obstruction of Justice, and any other crimes that this Court feels are appropriate.

FACTUAL BACKGROUND

1. The factual background for this case is provided in the Affidavit of William M. Windsor dated May 9, 2016 (“AFFI-2016-05-09”) and the Affidavit of

William M. Windsor in support of Sanctions and Criminal Charges (“AFFI-SANCTIONS”), referenced and incorporated herein as if attached hereto.]

2. On December 19, 2014, a hearing was held in Case #14-158. Judge Cindy Ermatinger told William M. Windsor to surrender himself to authorities in Montana or be at a hearing in Judge Cindy Ermatinger’s Court on January 21, 2015. [AFFI-2016-05-09, ¶6, 7.] Both Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County Texas District Attorney Ann Montgomery-Moran participated in the hearing. [AFFI-SANCTIONS, ¶4.]

3. The Transcript of the Hearing establishes that Ellis County Texas District Attorney Patrick Wilson was in the courtroom. [AFFI-2016-05-09, Exhibit 2, PP. 2, 3, 9-15, 33-39, 43-44, 47-51, 55-59.] The Transcript of the Hearing establishes that Assistant Ellis County Texas District Attorney Ann Montgomery-Moran was in the courtroom. [AFFI-2016-05-09, Exhibit 2, PP. 52-58.] [AFFI-SANCTIONS, ¶5.]

4. Tabitha Smith, James Cook, Terry Ogden, Cheri Lujan, and Johnny Brown did not attend the December 19, 2016 Hearing before Judge Cindy Ermatinger in Cause #14-158. They did not witness William M. Windsor signing documents in Judge Cindy Ermatinger’s courtroom on December 19, 2014. [AFFI-SANCTIONS, ¶6.]

5. At the December 19, 2014 Hearing, Assistant Ellis County Texas District Attorney Ann Montgomery-Moran instructed both Judge Cindy Ermatinger and William M. Windsor on the signing of the documents. [AFFI-2016-05-09, Exhibit 2, PP. 52.] The documents to be signed were given to Judge Cindy Ermatinger by Assistant Ellis County Texas District Attorney Ann Montgomery-Moran. [AFFI-SANCTIONS, ¶7.]

6. Assistant Ellis County Texas District Attorney Ann Montgomery-Moran made it absolutely clear that the documents that William M. Windsor executed in Judge Cindy Ermatinger's courtroom had to be approved by the sheriff when the documents got to the sheriff's department at the jail, and then William M. Windsor was to sign at the jail in front of a deputy. [AFFI-2016-05-09, Exhibit 2, P. 52 Lines 15-18, P. 57 Lines 1-20.] Assistant Ellis County Texas District Attorney Ann Montgomery-Moran stated: "And I did let the Chief know when he gets to the jail. There will be a space he needs to sign and then the jail needs to approve that." [AFFI-SANCTIONS, ¶8.]

7. Assistant Ellis County Texas District Attorney Ann Montgomery-Moran discussed the second document that William M. Windsor executed in Judge Cindy Ermatinger's courtroom. [AFFI-2016-05-09, Exhibit 2, P. 52 Lines 19-25, P. 53 Lines 1-15.] [AFFI-SANCTIONS, ¶9.]

8. Assistant Ellis County Texas District Attorney Ann Montgomery-Moran and Judge Cindy Ermatinger discussed making copies of the documents that William M. Windsor executed in Judge Cindy Ermatinger's courtroom. Judge Cindy Ermatinger made a copy for herself and one for William M. Windsor, plus two additional copies. This means there are three copies in addition to William M. Windsor's copy that prove what was and was not signed in Judge Cindy Ermatinger's courtroom and prove that what was signed included pages that Assistant Ellis County Texas District Attorney Ann Montgomery-Moran has concealed from the grand jury, Judge Cindy Ermatinger, Ada County Idaho, Missoula County Montana, law enforcement, and various courts. The Transcript shows that Assistant Ellis County Texas District Attorney Ann Montgomery-Moran took the original three-page document. She knew it was not fully executed, and she knows what she has presented to the Court in this case is a fraud. [AFFI-2016-05-09, Exhibit 2, P.59 Lines 7-22.] [AFFI-SANCTIONS, ¶10.]

9. On December 19, 2014, William M. Windsor signed the so-called "PR Bond." [AFFI-2016-05-09, ¶¶8, 9, 10, 11.] It was signed by William M. Windsor as "Principal" at the Defendant's counsel table in the courtroom and was neither witnessed by nor accepted by the Ellis County Jail. There is no signature for the Surety. It was "witnessed" by Assistant Ellis County Texas District

Attorney Ann Montgomery-Moran who showed William M. Windsor where to sign. [AFFI-SANCTIONS, ¶11.]

10. On December 19, 2014, William M. Windsor signed two documents at the Defendant's Table in Judge Cindy Ermatinger's courtroom. As the Defendant in Cause #14-158, William M. Windsor signed the "Order of Release in Criminal Proceeding Subject to Outstanding Warrants, Holds and/or Bond." [Exhibit 3 to AFFI-2015-05-09 is a true and correct copy of the "Order of Release in Criminal Proceeding Subject to Outstanding Warrants, Holds and/or Bond" that William M. Windsor signed and was given a copy of by Judge Cindy Ermatinger.] This was signed by Judge Cindy Ermatinger and William M. Windsor as the Defendant. [AFFI-SANCTIONS, ¶12.]

11. The second document that William M. Windsor signed at the Defendant's counsel table in the courtroom was an "Extradition Appearance Bond." It was signed by William M. Windsor as "Principal." It was neither witnessed by nor accepted by the Ellis County Jail. The only people who saw William M. Windsor sign were Ellis County Texas District Attorney Patrick Wilson, Assistant Ellis County Texas District Attorney Ann Montgomery-Moran, Judge Cindy Ermatinger, Melissa Butler, and Court Reporter Kelly Pelletier. [Exhibit 4 to AFFI-2015-05-09 is a true and correct copy of the "Extradition Appearance Bond" that William M. Windsor signed just above the printed title

“Principal’s Signature or Mark.” William M. Windsor was given this copy by Judge Cindy Ermatinger in her courtroom on December 19, 2016.] [AFFI-SANCTIONS, ¶13.]

12. Exhibit 1 to AFFI-SANCTIONS is a true and correct copy of the two documents that were photocopied and given to William M. Windsor by Judge Cindy Ermatinger before he left her courtroom on December 19, 2014. William M. Windsor was given these at the same time as if one document. [AFFI-SANCTIONS, ¶14.]

13. The State is 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 2 to AFFI-SANCTIONS, a true and correct copy of Exhibit A to the State’s Response to Motion for Summary Judgment.] On Page 1, 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.” The State has falsified these documents. The two documents comprising Exhibit 1 to AFFI-SANCTIONS were signed by William M. Windsor and given to Judge Cindy Ermatinger before he left her courtroom on December 19, 2014. The documents were signed in front of the State’s Attorney; Ann Montgomery-Moran held them in her hands and took the originals at the conclusion of the Hearing. 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 an alleged “PR Bond” (Exhibit 2 to AFFI-SANCTIONS) surfaced when William M. Windsor was incarcerated in 2015 in Missoula, Montana and until he received the “State’s Response to Defendant’s Motion for Summary Judgment” dated April 7, 2016. [AFFI-SANCTIONS, ¶15.]

14. Judge Cindy Ermatinger gave William M. Windsor a copy of everything signed in her courtroom on December 19, 2014. Assistant Ellis County Texas District Attorney Ann Montgomery-Moran saw what William M. Windsor was given, and she was given the originals of the documents. [AFFI-SANCTIONS, ¶16.]

15. On December 30, 2014, in Case #14-158, Judge Cindy Ermatinger forfeited William M. Windsor’s so-called “PR Bond” because he did not appear at the hearing. A Judgment NISI was issued. The Judgment NISI shows William M. Windsor as “Defendant/Principal/Surety.” The judgment is for \$100,000 based upon the fraudulent document that Assistant Ellis County Texas District Attorney Ann Montgomery-Moran presented to Judge Cindy Ermatinger. [AFFI-2016-05-09, ¶¶62, 64.] [AFFI-SANCTIONS, ¶17.]

16. Unknown to William M. Windsor, on January 14, 2015, he was allegedly indicted by the Ellis County Grand Jury for the crime of felony bond jumping. [AFFI-2016-05-09, ¶77.] William M. Windsor did not commit a crime. Ellis County Texas District Attorney maliciously filed these bogus criminal charges against William M. Windsor. [AFFI-SANCTIONS, ¶18.]

17. Unknown to William M. Windsor, on January 21, 2015, a capias warrant was issued for him. [AFFI-2016-05-09, ¶79.] William M. Windsor did not commit a crime. Ellis County Texas District Attorney maliciously filed the bogus criminal charges against William M. Windsor based upon the document that Johnny Brown signed claiming he witnessed William M. Windsor. [AFFI-SANCTIONS, ¶19.]

18. On February 19, 2015, Windsor was incarcerated in the Ada County Idaho Jail. He was held there until March 25, 2015. [AFFI-2016-05-09, ¶81.] Ellis County Texas District Attorney arranged for William M. Windsor's detention in Idaho based upon the document that Tabitha Smith, James Cook, Terry Ogden, Cheri Lujan, and Johnny Brown signed claiming they witnessed William M. Windsor. [AFFI-SANCTIONS, ¶20.]

19. On March 25, 2015, William M. Windsor was transported from the Ada County Idaho Jail in Boise, Idaho to the Missoula County Detention Center in Missoula, Montana. [AFFI-2016-05-09, ¶82.] Ellis County Texas District

Attorney arranged, in part, for William M. Windsor's detention in Montana based upon the document that Tabitha Smith, James Cook, Terry Ogden, Cheri Lujan, and Johnny Brown signed claiming they witnessed William M. Windsor. [AFFI-SANCTIONS, ¶21.]

20. On May 7, 2015, District Attorney Patrick Wilson filed a motion to dismiss Case No. 39746CR without prejudice. [AFFI-2016-05-09, ¶83.] [AFFI-SANCTIONS, ¶22.]

21. As a result, on May 8, 2015, Judge Karen A. Orzech dismissed CR-2015-295. This reduced Windsor's bond from \$1,005,000 to \$5,000. [AFFI-2016-05-09, ¶84.] [AFFI-SANCTIONS, ¶23.]

22. On May 9, 2015, William M. Windsor was released on bond from the Missoula County Detention Center. [AFFI-2016-05-09, ¶85.] [AFFI-SANCTIONS, ¶24.]

23. On March 1, 2016, William M. Windsor filed a Motion for Summary Judgment in this case. [AFFI-2016-05-09, ¶92.] [AFFI-SANCTIONS, ¶25.]

24. On March 14, 2016, the State filed a Motion for Summary Judgment in this case. [AFFI-SANCTIONS, ¶26, Exhibit 3.] Exhibit A to the State's Motion for Summary Judgment is a document in which Tabitha Smith, James Cook, Terry Ogden, Cheri Lujan, and Johnny Brown swear that they witnessed William M.

Windsor's signature. They did not. The State of Texas has filed a PR Bond that was not the one given to Windsor. [AFFI--SANCTIONS, ¶26.]

25. On March 25, 2016, William M. Windsor filed an Amended Motion for Summary Judgment. [AFFI-2016-05-09, ¶94.] [AFFI-SANCTIONS, ¶27.]

26. On April 6, 2016, William M. Windsor filed a Response to the State's Motion for Summary Judgment in this case. [AFFI-2016-05-09, ¶95.] [AFFI-SANCTIONS, ¶28.]

27. On April 7, 2016, Assistant Ellis County District Attorney Ann Montgomery-Moran filed a "State's Response to Defendant's Motion for Summary Judgment." [AFFI-SANCTIONS, ¶29.]

28. The State's Response to Defendant's Motion for Summary Judgment is false and deceptive. [AFFI-2016-05-09, ¶119.] [AFFI-SANCTIONS, ¶30.]

29. William M. Windsor never received notice by service of Citation in this case. Windsor was never served with it. [AFFI-2016-05-09, ¶120.] [AFFI-SANCTIONS, ¶31.]

30. District Attorney Patrick Wilson is a crook. [AFFI-2016-05-09, ¶123.] [AFFI-SANCTIONS, ¶32.]

31. Assistant Ellis County District Attorney Ann Montgomery-Moran is a crook. [AFFI-2016-05-09, ¶¶12-16, 21-33, 124.] [AFFI-SANCTIONS, ¶33.]

32. The State is attempting to conceal the valid documents in this case.

[AFFI-2016-05-09, ¶¶12-16, 21-33.] [AFFI-SANCTIONS, ¶34.]

ARGUMENTS

A. THE ELLIS COUNTY DISTRICT ATTORNEY'S OFFICE FALISIFIED THE SO-CALLED "PR BOND."

33. Exhibit 1 to AFFI-SANCTIONS is the document that William M. Windsor signed on December 19, 2014.

34. Exhibit 2 to AFFI-SANCTIONS is the document that Tabitha Smith, James Cook, Terry Ogden, Cheri Lujan, and Johnny Brown signed claiming to have witnessed William M. Windsor's signature.

35. The State of Texas altered the so-called "PR Bond" after William M. Windsor saw it. The so-called "PR Bond" that Windsor signed was not witnessed and was not signed in front of or by anyone from the Ellis County Jail. It also included pages missing from the State's so-called "PR BOND."

36. Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County Texas District Attorney Ann Montgomery-Moran obtained what William M. Windsor signed on December 19, 2014. They were in the courtroom. The Hearing Transcript proves exactly what they knew and that they had the signed documents in their possession at the close of the Hearing. Assistant Ellis County Texas District Attorney Ann Montgomery-Moran stated on the record that

William M. Windsor was to sign at the Ellis County Jail, and she knows that never happened. She knows that the alleged witness signatures by Tabitha Smith, James Cook, Terry Ogden, Cheri Lujan, and Johnny Brown are fraudulent. Assistant Ellis County Texas District Attorney Ann Montgomery-Moran also knows that she has concealed the other document from the court.

B. THE TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 22.13(A)(1) PROVIDES THAT THIS CASE AGAINST WILLIAM M. WINDSOR SHOULD NOT HAVE BEEN PURSUED BECAUSE THE BOND IS NOT A VALID AND BINDING UNDERTAKING IN LAW, BUT ASSISTANT ELLIS COUNTY TEXAS DISTRICT ATTORNEY ANN MONTGOMERY-MORAN PURSUED IT MALICIOUSLY AND WITH FULL KNOWLEDGE OF HER WRONGFUL ACTS.

37. On December 19, 2014, William M. Windsor signed a so-called “PR Bond.” It was not witnessed nor accepted by the Ellis County Jail. Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County Texas District Attorney Ann Montgomery-Moran were there in the courtroom witnessing everything that took place with the so-called “PR Bond” so they knew it was not witnessed as required by law. In fact, Assistant Ellis County Texas District Attorney Ann Montgomery-Moran stated this legal requirement on the record.

38. William M. Windsor was not asked to sign as the Surety, so the required surety signature is non-existent. Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County Texas District Attorney Ann Montgomery-Moran knew it was not signed as required by law.

39. William M. Windsor was released from the Ellis County Texas Jail on December 19, 2014 without being asked to sign anything and without anyone witnessing anything as to the so-called “PR Bond.” William M. Windsor’s testimony in this regard is uncontroverted as is his copy of the so-called “PR Bond” that shows nothing was signed except what was done in Judge Cindy Ermatinger’s courtroom. Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County Texas District Attorney Ann Montgomery-Moran knew it was not signed as required by law.

40. Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County Texas District Attorney Ann Montgomery-Moran have pursued this case maliciously and with full knowledge of their wrongful acts.

C. THE TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 22.13(A)(5) PROVIDES THAT WILLIAM M. WINDSOR MUST BE EXONERATED BECAUSE HE WAS INCARCERATED IN BOISE, IDAHO AND MISSOULA, MONTANA NOT LATER THAN THE 270TH DAY AFTER THE DATE OF HIS ALLEGED FAILURE TO APPEAR IN COURT. THIS LEGAL REQUIREMENT WAS IGNORED BY ELLIS COUNTY DISTRICT ATTORNEY PATRICK WILSON AND ASSISTANT ELLIS COUNTY DISTRICT ATTORNEY ANN MONTGOMERY-MORAN.

41. Pursuit of this legal action against William M. Windsor after February 19, 2015 was wrongful because Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County Texas District Attorney Ann Montgomery-Moran knew he was incarcerated in Boise, Idaho and Missoula, Montana not later than the 270th day after the date of his alleged failure to appear in court. (Texas Code of Criminal Procedure Article 22.13(a)(5).) (*Safety National Casualty Corp.*

v. State, 273 S.W.3d 730 (Tex.App. Dist.1 11/07/2008); *Michael J. Todd v. the State of Texas*, No. 14-10-00031-CR (Tex.App. Dist.14 03/01/2011); *Mendez v. State*, 03-12-00200-CV (Tex.App. Dist.3 10/25/2013).)

42. William M. Windsor was incarcerated in the Ada County Jail in Boise, Idaho 51 days after the December 30, 2014 hearing. The 270-day period is calculated from the date that the principal fails to appear in court. (Tex. Code Crim. Proc. Ann. art. 22.13(a)5(B).)

“...surety is exonerated from liability from forfeiture if principal is incarcerated ‘not later than the 270th day after the date of the principal’s failure to appear in court’.” (*Michael J. Todd v. the State of Texas*, No. 14-10-00031-CR (Tex.App. Dist.14 03/01/2011).)

43. The State has been aware of this since February 19, 2015, yet they have pursued this action as well as criminal charges against William M. Windsor in Ada County Idaho and Missoula County Montana as well as Ellis County Texas. Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County Texas District Attorney Ann Montgomery-Moran have refused to dismiss the case despite notification of the law by William M. Windsor.

D. THE STATE HAD A LEGAL OBLIGATION TO PROVIDE NOTICE OF A HEARING TO WILLIAM M. WINDSOR, AND THE STATE FAILED TO DO SO. THE STATE LIED TO THE COURT CLAIMING NOTICE WAS PROVIDED.

44. The State had a legal obligation to provide notice of a hearing, but William M. Windsor received no notice of a hearing on December 29 or 30, 2014.

45. Texas Rules of Civil Procedure Rule 21 provides the applicable rules:
(a) Filing and Service Required. Every pleading, plea, motion, or application to the court for an order, whether in the form of a motion, plea, or other form of request, unless presented during a hearing or trial, must be filed with the clerk of the court in writing, must state the grounds therefor, must set forth

the relief or order sought, and at the same time **a true copy must be served on all other parties**, and must be noted on the docket.

(b) Service of Notice of Hearing. An application to the court for an order and **notice of any hearing** thereon, not presented during a hearing or trial, **must be served upon all other parties not less than three days before the time specified for the hearing**, unless otherwise provided by these rules or shortened by the court. [**emphasis added.**]

46. William M. Windsor was not served. The alleged notice did not give three days' notice. The hearing was not legal.

47. Texas Rules of Civil Procedure Rule 21a (a) (2) provides:

Documents Not Filed Electronically. A document not filed electronically may be served in person, by mail, by commercial delivery service, by fax, by email, or by such other manner as the court in its discretion may direct.

48. Rule 21 a provides:

(e) Proof of Service. **The party or attorney of record shall certify to the court compliance with this rule in writing over signature and on the filed instrument.** A certificate by a party or an attorney of record, or the return of the officer, or the affidavit of any other person showing service of a notice shall be prima facie evidence of the fact of service. **Nothing herein shall preclude any party from offering proof that the document was not received**, or, if service was by mail, that the document was not received within three days from the date that it was deposited in the mail, and upon so finding, **the court may** extend the time for taking the action required of such party or **grant such other relief as it deems just.** [**emphasis added.**]

49. The State violated the law and William M. Windsor's rights in failing to provide notice. He has provided proof that no document was received, and this has been confirmed by the Marriott Hotel in Richardson, TX where he had a room.

50. Written notice is required by law. There is no evidence of notice. Ellis County Texas District Attorney Patrick Wilson claimed that he sent a fax, but no fax was submitted as evidence, and there was no evidence of notice at the December 30, 2014 Hearing. No notice was ever received by William M.

Windsor. Yet Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County Texas District Attorney Ann Montgomery-Moran have knowingly and maliciously pursued this improper cause of action.

E. ASSISTANT ELLIS COUNTY TEXAS DISTRICT ATTORNEY ANN MONTGOMERY-MORAN HAS COMMITTED MANY VIOLATIONS OF THE TEXAS PENAL CODE.

51. Assistant Ellis County Texas District Attorney Ann Montgomery-Moran has violated the following Texas Penal Code (“TPC”) criminal laws:

- a. TPC Sec. 36.04 Improper Influence
- b. TPC Sec. 36.05 Tampering with Witness
- c. TPC Sec. 36.06 Obstruction
- d. TPC Sec. 37.02 Perjury
- e. TPC Sec. 37.09 Tampering with or Fabricating Physical Evidence
- f. TPC Sec. 37.10 Tampering with Governmental Record
- g. TPC Sec. 38.171 Failure to Report a Felony
- h. TPC Sec. 39.02 Abuse of Official Capacity
- i. TPC Sec. 39.03 Official Oppression
- j. TPC Sec. 71.02 Engaging in Organized Criminal Activity
- k. Obstruction of Justice
- l. Subornation of Perjury

52. **Sec. 36.04. IMPROPER INFLUENCE.** (a) **“A person commits an offense if he privately addresses a representation, entreaty, argument, or other communication to any public servant who exercises or will exercise official discretion in an adjudicatory proceeding with an intent to influence the outcome of the proceeding on the basis of considerations other**

than those authorized by law.” [emphasis added.] Assistant Ellis County Texas District Attorney Ann Montgomery-Moran has had improper influence with Judge Cindy Ermatinger.

53. **Sec. 36.05. TAMPERING WITH WITNESS.** (a) “**A person commits an offense if, with intent to influence the witness, he** offers, confers, or agrees to confer any benefit on a witness or prospective witness in an official proceeding, or he **coerces a witness or a prospective witness in an official proceeding:** (1) **to testify falsely;** (2) to withhold any testimony, information, document, or thing; (3) to elude legal process summoning him to testify or supply evidence; (4) to absent himself from an official proceeding to which he has been legally summoned; or (5) to abstain from, discontinue, or delay the prosecution of another. (b) A witness or prospective witness in an official proceeding commits an offense if he knowingly solicits, accepts, or agrees to accept any benefit on the representation or understanding that he will do any of the things specified in Subsection (a).” [emphasis added.] Assistant Ellis County Texas District Attorney Ann Montgomery-Moran has tampered with Tabitha Smith, James Cook, Terry Ogden, Cheri Lujan, and Johnny Brown.

54. **Sec. 36.06. OBSTRUCTION OR RETALIATION.** (a) “**A person commits an offense if the person intentionally or knowingly harms** or threatens to harm **another by an unlawful act:** (1) **in retaliation for** or on account of the service or status of another as a: (A) public servant, witness, prospective witness, or informant; or (B) **person who has reported or who the actor knows intends to report the occurrence of a crime;** or (2) **to prevent or delay the service of another as a:** (A) public servant, witness, prospective witness, or informant; or (B) **person who has reported or who the actor knows intends to report the occurrence of a crime.**” [emphasis added.] Assistant Ellis County Texas District Attorney Ann Montgomery-Moran has committed

obstruction and retaliation because William M. Windsor has reported crimes by Ellis County Texas District Attorney Patrick Wilson, Ellis County Texas Sheriff Johnny Brown, and Ellis County and Texas judges.

55. **Sec. 37.02. PERJURY.** (a) **“A person commits an offense if, with intent to deceive and with knowledge of the statement’s meaning:** (1) he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath; or (2) **he makes a false unsworn declaration under Chapter 132, Civil Practice and Remedies Code.**” [emphasis added.] Assistant Ellis County Texas District Attorney Ann Montgomery-Moran’s filings in this case have constituted perjury.

56. **Sec. 37.09. TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE.** (a) **“A person commits an offense if, knowing that an investigation or official proceeding is pending or in progress, he:** (1) **alters, destroys, or conceals any record, document, or thing with intent to impair its verity,** legibility, or availability as evidence in the investigation or official proceeding....” [emphasis added.] Assistant Ellis County Texas District Attorney Ann Montgomery-Moran has altered and destroyed evidence.

57. **Sec. 37.10. TAMPERING WITH GOVERNMENTAL RECORD.** (a) **“A person commits an offense if he:** (1) **knowingly makes a false entry in, or false alteration of, a governmental record....**” [emphasis added.] Assistant Ellis County Texas District Attorney Ann Montgomery-Moran has altered evidence.

58. **Sec. 38.171. FAILURE TO REPORT FELONY.** (a) **A person commits an offense if the person:** (1) **observes the commission of a felony** under circumstances in which a reasonable person would believe that an offense had been committed in which serious bodily injury or death may have resulted; and (2) **fails to immediately report the commission of the offense to a peace**

officer or law enforcement agency under circumstances in which: (A) a reasonable person would believe that the commission of the offense had not been reported; and (B) the person could immediately report the commission of the offense without placing himself or herself in danger of suffering serious bodily injury or death.” **[emphasis added.]** Assistant Ellis County Texas District Attorney Ann Montgomery-Moran knows that felonies have been committed by Ellis County Texas District Attorney Patrick Wilson and others, and she has failed to report them.

59. **Sec. 39.02. ABUSE OF OFFICIAL CAPACITY.** (a) “**A public servant commits an offense if, with intent** to obtain a benefit or with intent **to harm or defraud another, he intentionally or knowingly:** (1) **violates a law relating to the public servant's office or employment;** or (2) misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment.” **[emphasis added.]** Assistant Ellis County Texas District Attorney Ann Montgomery-Moran has intentionally and knowingly violated laws relating to her office.

60. **Sec. 39.03. OFFICIAL OPPRESSION.** (a) “**A public servant acting under color of his office or employment commits an offense if he:** (1) **intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;** (2) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or (3) intentionally subjects another to sexual harassment.” **[emphasis added.]** Assistant Ellis County Texas District Attorney Ann Montgomery-Moran intentionally subjected William M. Windsor to mistreatment, arrest, detention, search, seizure, and lien that she knows is unlawful.

61. **Sec. 71.02. ENGAGING IN ORGANIZED CRIMINAL ACTIVITY.** (a) **“A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following: (9) any offense under Chapter 36....”**

[emphasis added.] Assistant Ellis County Texas District Attorney Ann Montgomery-Moran has engaged in organized criminal activity.

F. ASSISTANT ELLIS COUNTY TEXAS DISTRICT ATTORNEY ANN MONTGOMERY-MORAN HAS COMMITTED MANY VIOLATIONS OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT.

62. Assistant Ellis County Texas District Attorney Ann Montgomery-Moran has violated the following Texas Disciplinary Rules of Professional Conduct (“TDRPC”):

- a. TDRPC Preamble 4 A Lawyer’s Responsibilities
- b. TDRPC Rule 3.01 Meritorious Claims and Contentions
- c. TDRPC Rule 3.03 Candor Toward Tribunal
- d. TDRPC Rule 3.04 Fairness in Adjudicatory Proceedings
- e. TDRPC Rule 3.05 Maintaining Impartiality of Tribunal
- f. TDRPC Rule 3.09 Special Responsibilities of a Prosecutor
- g. TDRPC Rule 8.03 Reporting Professional Misconduct
- h. TDRPC Rule 8.04 Misconduct

63. **TDRPC Preamble 4 -- A Lawyer’s Responsibilities** – “A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or

intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.” Assistant Ellis County District Attorney Ann Montgomery-Moran is a disgrace to the legal profession. She has ignored her Responsibilities.

64. **Rule 3.01. Meritorious Claims and Contentions** – “A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous. (Comment 1) The advocate has a duty to use legal procedure for the fullest benefit of the client's cause, but also a duty not to abuse legal procedure. The law, both procedural and substantive, affects the limits within which an advocate may proceed. Likewise, these Rules impose limitations on the types of actions that a lawyer may take on behalf of his client. See Rules 3.02-3.06, 4.01- 4.04, and 8.04. However, the law is not always clear and never is static. Accordingly, in determining the proper scope of advocacy, account must be taken of the law's ambiguities and potential for change. (Comment 2) All judicial systems prohibit, at a minimum, the filing of frivolous or knowingly false pleadings, motions or other papers with the court or the assertion in an adjudicatory proceeding of a knowingly false claim or defense. A filing or assertion is frivolous if it is made primarily for the purpose of harassing or maliciously injuring a person. It also is frivolous if the lawyer is unable either to make a good faith argument that the action taken is consistent with existing law or that it may be supported by a good faith argument for an extension, modification or reversal of existing law. (Comment 3) A filing or contention is frivolous if it contains knowingly false statements of fact. It is not frivolous, however, merely because the facts have not been first substantiated fully or because the lawyer expects to develop vital evidence only by discovery. Neither

is it frivolous even though the lawyer believes that the client's position ultimately may not prevail. In addition, this Rule does not prohibit the use of a general denial or other pleading to the extent authorized by applicable rules of practice or procedure. Likewise, a lawyer for a defendant in any criminal proceeding or for the respondent in a proceeding that could result in commitment may so defend the proceeding as to require that every element of the case be established. (Comment 4) A lawyer should conform not only to this Rule's prohibition of frivolous filings or assertions but also to any more stringent applicable rule of practice or procedure. For example, the duties imposed on a lawyer by Rule 11 of the Federal Rules of Civil Procedure exceed those set out in this Rule. A lawyer must prepare all filings subject to Rule 11 in accordance with its requirements. See Rule 3.04(c)(1).”

Assistant Ellis County District Attorney Ann Montgomery-Moran is a disgrace to the legal profession. She has pursued a frivolous action and much worse; she has committed a giant fraud upon the court to destroy William M. Windsor’s life.

65. **Rule 3.03. Candor Toward Tribunal** – “A lawyer shall not knowingly: make a false statement of material fact or law to a tribunal; fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act; in an ex parte proceeding, fail to disclose to the tribunal an unprivileged fact which the lawyer reasonably believes should be known by that entity for it to make an informed decision; fail to disclose to the tribunal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or offer or use evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall make a good faith effort to persuade the client to authorize the lawyer to correct or withdraw the false evidence. If such efforts are unsuccessful, the lawyer shall take reasonable remedial measures, including disclosure of the true facts. The duties stated in paragraphs (a) and (b) continue

until remedial legal measures are no longer reasonably possible. (Comment 1): The advocate's task is to present the client's case with persuasive force. Performance of that duty while maintaining confidences of the client is qualified by the advocate's duty of candor to the tribunal.” Assistant Ellis County District Attorney Ann Montgomery-Moran is a disgrace to the legal profession. She has lied and presented fraudulent documents to the court. She has made factual misrepresentations. She has made misleading and bogus legal arguments. She has made legal arguments based on a knowingly false representation of law constitutes dishonesty toward the tribunal. She has used false evidence with the court. William M. Windsor has provided undeniable proof of the false evidence, but she has continued to use it.

66. **Rule 3.04. Fairness in Adjudicatory Proceedings** – “A lawyer shall not: unlawfully obstruct another party's access to evidence; in anticipation of a dispute unlawfully alter, destroy or conceal a document or other material that a competent lawyer would believe has potential or actual evidentiary value; or counsel or assist another person to do any such act; falsify evidence, counsel or assist a witness to testify falsely, or pay, offer to pay, or acquiesce in the offer or payment of compensation to a witness or other entity contingent upon the content of the testimony of the witness or the outcome of the case. The procedure of the adversary system contemplates that the evidence in a case is to be marshalled competitively by the contending parties.” Assistant Ellis County District Attorney Ann Montgomery-Moran has obstructed William M. Windsor’s access to evidence, has unlawfully altered, destroyed, or concealed documents. See Texas Penal Code, §§ 37.09(a)(1), 37.10(a)(3). See also 18 U.S.C. §§ 1501-1515. Falsifying evidence is also generally a criminal offense. *Id.* §§ 37.09(a)(2), 37.10(a)(1), (2). Paragraph (a) of this Rule applies to evidentiary material generally, including computerized information.

67. **Rule 3.05. Maintaining Impartiality of Tribunal** – “A lawyer shall not: seek to influence a tribunal concerning a pending matter by means prohibited by law or applicable rules of practice or procedure; except as otherwise permitted by law and not prohibited by applicable rules of practice or procedure, communicate or cause another to communicate ex parte with a tribunal for the purpose of influencing that entity or person concerning a pending matter....” Assistant Ellis County District Attorney Ann Montgomery-Moran has worked with Judge Cindy Ermatinger to damage William M. Windsor. The Ellis County Texas courts are a criminal racketeering enterprise.

68. **Rule 3.09. Special Responsibilities of a Prosecutor** – “The prosecutor in a criminal case shall: refrain from prosecuting or threatening to prosecute a charge that the prosecutor knows is not supported by probable cause; ... make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal....” Assistant Ellis County District Attorney Ann Montgomery-Moran knows there is no probable cause to be pursuing this case and related cases against William M. Windsor. She has not produced the evidence that she has to William M. Windsor.

69. **Rule 8.03. Reporting Professional Misconduct** – “...a lawyer having knowledge that another lawyer has committed a violation of applicable rules of professional conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate disciplinary authority. ... a lawyer having knowledge that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.” Assistant Ellis

County District Attorney Ann Montgomery-Moran has failed to report professional misconduct of Ellis County District Attorney Patrick Wilson and Judge Cindy Ermatinger.

70. **Rule 8.04. Misconduct** – “A lawyer shall not: violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship; commit a serious crime or commit any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; engage in conduct involving dishonesty, fraud, deceit or misrepresentation; engage in conduct constituting obstruction of justice; ... knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; violate any disciplinary or disability order or judgment....” Assistant Ellis County District Attorney Ann Montgomery-Moran has committed ALL of this misconduct.

PRAYER

71. William M. Windsor prays that this Motion is granted; that State's Exhibit A to the State's Motion for Summary Judgment and to the State's Response to William M. Windsor's Motion for Summary Judgment be stricken and not permitted as evidence in this or any other case; that Assistant Ellis County District Attorney Ann Montgomery-Moran be sanctioned; that the State of Texas be sanctioned, including payment of \$10,000,000 to William M. Windsor; that Assistant Ellis County District Attorney Ann Montgomery-Moran be arrested on a bench warrant; that Assistant Ellis County District Attorney Ann Montgomery-Moran be charged with the crimes identified herein, and any other crimes that this Court feels are appropriate; that Assistant Ellis County District Attorney Ann Montgomery-Moran be reported to the Texas Bar Association for disciplinary

action; pursue contempt of court charges against Assistant Ellis County District Attorney Ann Montgomery-Moran; and that this Court grant such other and further relief as the Court feels is appropriate.

Submitted this 20th day May 2016,

A handwritten signature in black ink, appearing to read "William M. Windsor". The signature is written in a cursive style with a horizontal line underneath it.

William M. Windsor

VERIFICATION

Personally appeared before me, the undersigned Notary Public duly authorized to administer oaths, William M. Windsor, who after being duly sworn deposes and states that he is authorized to make this verification on behalf of himself and that the facts alleged in the foregoing are true and correct based upon his personal knowledge.

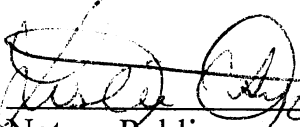
I am of lawful age. I have read the foregoing and understand each of its allegations. I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 9th day of May 2016,



William M. Windsor

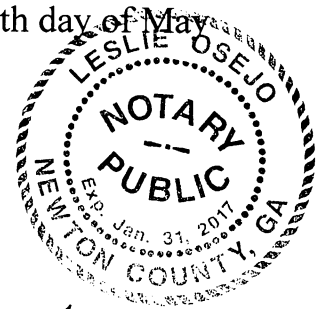
Signed and sworn to before me this 9th day of May 2016 by William M. Windsor,



Notary Public

Date 5/9/2016

My commission expires: 1/31/2017



CERTIFICATE OF SERVICE

William M. Windsor has sent a copy of this Motion for Sanctions and Criminal Charges against Assistant Ellis County District Attorney Ann Montgomery-Moran and the State of Texas by email/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 with a horizontal line underneath it.

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