

NO. 10-16-00206-CR

IN THE TENTH COURT OF APPEALS
FOR THE STATE OF TEXAS

In re William M. Windsor, Relator

William M. Windsor,
Relator

v.

Judge Cindy Ermatinger,
Respondent

State of Texas,
Real Party in Interest

from Cause No. 90744
443rd District Court, Ellis County, Texas
Judge Cindy Ermatinger

MOTION FOR TEMPORARY RELIEF

William M. Windsor (“Petitioner” or “Windsor”) files this “Motion for
Temporary Relief,” and shows the Court:

INTRODUCTION

1. William M. Windsor asks this Court for temporary relief in Case #90744. William M. Windsor requests a stay while this Court considers the First Amended Petition for Writ of Mandamus.

2. Judge Cindy Ermatinger is proceeding to act in the underlying case in violation of TRCP Rule 18a (f) (2) (A). A motion for recusal is pending, but she is scheduling hearings and the trial. She is doing so in complete violation of William M. Windsor's rights. She purports to be requiring William M. Windsor to attend the hearings in person. She wants this so he can be arrested on bogus charges. She has scheduled the hearings to deny William M. Windsor the benefit of much of the relief he has requested.

3. Judge Cindy Ermatinger, Ellis County District Attorney Patrick Wilson, and Assistant Ellis County District Attorney Ann Montgomery-Moran conspired to generate a fraudulent document that they claimed is the "Bond" in the underlying matter. They had it forged, and they have used it to destroy what's left of William M. Windsor's life.

STATEMENT OF FACTS

4. The Statement of Facts in the First Amended Petition for Writ of Mandamus provides the factual background as well as the Affidavit of William M. Windsor dated June 3, 2016 (AFFI-2016-06-03) filed in Case #90744.

5. On June 1, 2015, William M. Windsor filed a Motion to Dismiss.
6. On June 3, 2016, William M. Windsor sent a Motion for Recusal of Judge Cindy Ermatinger to the Clerk of the Court for filing. This is pending before the Presiding Judge.
7. On June 9, 2016, William M. Windsor filed a requested a court-appointed attorney, but his requests have been ignored. [Appendix -5.]
8. On June 10, 2016, William M. Windsor received a letter from Olivia Tucker, a secretary who is not authorized to issue orders as if a judge. [Appendix-6.]
9. On June 15, 2016, William M. Windsor filed a First Amended Motion to Dismiss.
10. On June 22, 2016 at 1:20 pm CDT, William M. Windsor filed a Motion to Recuse Keith Dean, the mediator named to consider the recusal. [Appendix-7.]
11. On June 22, 2016 at 1:24 pm CDT, William M. Windsor filed a Motion to Recuse Judge Mary Murphy. [Appendix-8.]
12. On June 23, 2016, Judge Cindy Ermatinger filed a letter in Case #90744 purporting to set all matters except summary judgment motions for hearing on June 28, 2016; to set summary judgment motions for hearing on July 14, 2016; and set the trial for August 9, 2016. [Appendix-9.]

ARGUMENT

THIS COURT SHOULD STAY CASE #90744 WHILE THE ISSUES IN THE FIRST AMENDED PETITION FOR WRIT OF MANDAMUS ARE CONSIDERED, AND THIS COURT SHOULD ORDER THAT WILLIAM M. WINDSOR BE GIVEN THE OPPORTUNITY TO HAVE A PUBLIC DEFENDER IN CASE #90744 BEFORE ANY FURTHER ACTION IS TAKEN IN THE CASE.

13. William M. Windsor filed an Emergency Motion to Name a Public Defender in Case #90744 pursuant to the Texas Code of Criminal Procedure, Texas Penal Code, Texas Constitution, and U.S. Constitution.

14. William M. Windsor was never served with a Citation in this criminal matter, and he has never filed an Answer. He was never given the opportunity to have a public defender named. The right to be represented by counsel is an absolute.

15. William M. Windsor is indigent, and he needs the opportunity to have a public defender represent him.

16. A bond forfeiture case is a criminal case. Both the Texas Supreme Court and the Court of Criminal Appeals have held that an appeal from a bail bond forfeiture is a criminal case that is within the jurisdiction of the Court of Criminal Appeals as established by article V, section 5 of the Texas Constitution. *See Jeter v. State*, 26 S.W. 49, 49 (Tex. 1894); *Ex parte Burr*, 185 S.W.3d 451, 452-53 (Tex. Crim. App. 2006); *see also Tex. Const. art. V, § 5(a)*. (*Texas Attorney*

General Opinion, Opinion No. GA-0486, (11/21/2006).)

17. Ellis County is SUPPOSED to have a published procedure for appointing counsel, but William M. Windsor cannot find anything online, and his inquiries to Judge Cindy Ermatinger, Judge Bob Carroll, Presiding Judge Mary Murphy, and the Clerk of the Court have been unanswered.

Art. 26.04. PROCEDURES FOR APPOINTING COUNSEL. (a) The judges of the county courts, statutory county courts, and district courts trying criminal cases in each county, by local rule, shall adopt and publish written countywide procedures for timely and fairly appointing counsel for an indigent defendant in the county arrested for, charged with, or taking an appeal from a conviction of a misdemeanor punishable by confinement or a felony. The procedures must be consistent with this article and Articles 1.051, 15.17, 15.18, 26.05, and 26.052. A court shall appoint an attorney from a public appointment list using a system of rotation, unless the court appoints an attorney under Subsection (f), (f-1), (h), or (i).

18. William M. Windsor should have been automatically offered a public defender on December 30, 2014, but he was not.

19. The denial of William M. Windsor's request to consult an attorney was a violation of his Fourteenth Amendment due process rights. This also violates Article 1 Section 10 of the Texas Constitution: "RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself, and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses

against him and shall have compulsory process for obtaining witnesses in his favor....”

20. This Court must not allow anything further to be done in Case #90744 without William M. Windsor being given the opportunity to have a public defender represent him.

THIS COURT IS ASKED TO RECOGNIZE THAT THE UNDERLYING CASE IS A FRAUD PERPETRATED BY JUDGE CINDY ERMATINGER, ELLIS COUNTY DISTRICT ATTORNEY PATRICK WILSON, AND ASSISTANT ELLIS COUNTY DISTRICT ATTORNEY ANN MONTGOMERY-MORAN. THEY CONSPIRED TO GENERATE A FRAUDULENT DOCUMENT THAT THEY CLAIMED IS THE “BOND” IN THE UNDERLYING MATTER. THEY HAD IT FORGED, AND THEY HAVE USED IT TO DESTROY WHAT’S LEFT OF WILLIAM M. WINDSOR’S LIFE.

21. It will take this Court just a few minutes to review the documents to see that the “Bond” that is the subject of the underlying action is a fraud.

22. The following pages show the actual Bond on pages 7, 8, and 9. The State’s fraudulent version is on page 10.

23. Then starting on page 11, William M. Windsor provides the evidence to show that the “Bond” was falsified and is not the “original bond signed by William M. Windsor on December 19, 2014” as the State has sworn. The State knew it was false when they used it on December 30, 2014, and they know it now.

STATE OF TEXAS

EXTRADITION APPEARANCE BOND

COUNTY OF ELLIS

Know All Men by These Presents:

That we, William M. Windsor as PRINCIPAL, and other subscribers hereto as Surety, are held and firmly bound unto the State of Texas in the penal sum of ~~\$50,000.00~~ PA Bond Dollars, and in addition, we are bound for the payment of all necessary and reasonable fees and expenses incurred by any and all Sheriffs and other Peace Officers in re-arresting the Principal in the event the conditions of the bond are violated. For the payment of which sum or sums, well and truly to be made, each of us do bind ourselves, our heirs, executors, and administrators, jointly and severally by these present.

The conditions of the above obligation is such that whereas the above named principal stands charged with OUT OF STATE FELONY AND MISDEMEANOR OFFENSES FROM THE STATE OF MONTANA, duly presented in the DISTRICT Court of ELLIS COUNTY, Texas, to wit: EXTRADITION HEARING FOR STATE OF MONTANA. Additional terms of release are attached to the bond.

Now if the above named principal shall well and truly make his appearance before said court INSTANTER, or upon notice of the court and further shall well and truly make his personal appearance before any Court or Magistrate to which said charge may be transferred or before whom this cause may hereafter be pending at any time when, and any place where his presence may be required under the Code of Criminal Procedure of the State of Texas or by any Court or Magistrate, and for all subsequent proceedings had relative to said charge and there remain from day to day and term to term until discharged by due course of law, then and there to answer the said accusations against him, then this obligation shall become null and void, otherwise to remain in full force and effect.

CASH BOND: Following the disposition of this case, any monies not held by the court will be paid to the person in the name of whom a receipt was issued, or to the defendant, if no other person is able to produce a receipt for the funds. PA Bond in the amount of one hundred thousand dollars -

Signed and dated on this 19 day of December, 2014.

<u>William M. Windsor</u> Principal's Signature or Mark	_____ Surety's Signature
<u>William M. Windsor</u> Principal's Printed Name	_____ Printed Name of Surety/Licensed Surety Company
<u>1000 S. STEWART</u> Principal's Permanent Address	_____ Surety's Mailing Address
<u>Richardson TX 75081</u> City State Zip	_____ City State Zip
<u>774 578-1094</u> Principal's Telephone Number	<u>()</u> Surety's Telephone Number
Taken and approved this _____ day of _____, 20____	Defendant/Principal's Information:
Sheriff of Ellis County, Texas.	Race: <u>W</u> Sex: <u>M</u> DOB: <u>10-2-1948</u>
By _____ Deputy	Place of Birth: <u>COLUMBUS, GEORGIA</u>
Bond Received By _____	Date of Arrest: <u>10-28-2014</u>
Principal's Signature Witnessed By _____	Arresting/Detaining Agency: <u>ELLIS COUNTY SHERIFF'S DEPT.</u>
Principal Released from Custody By _____	Warrant # _____
	CASH BOND NUMBER: _____

This is Page 1 of the "Extradition Appearance Bond" that William M. Windsor signed as "Principal" in Judge Cindy Ermatinger's courtroom on December 19, 2014. The signature and printing in the box is that of Windsor; the writing above the box is that of Judge Cindy Ermatinger.

OATH OF SURETIES

STATE OF TEXAS
COUNTY OF ELLIS

Each of the undersigned swears that he is worth, in his own right, at least the sum set below his signature, after deducting all that which is exempted by the Constitution and laws of the State from forced sale, and after payment of all my debts of every description, whether individual or security debts, and after satisfying all encumbrances upon my property which are known to me; that I reside in Ellis County, and have property in this state liable to execution worth the said sum or more.

The said [Ins. Co.] agent [name] dba [bond company], the sum of TWICE THE AMOUNT OF BOND dollars.

DATED this _____ day of _____, 20____.

Surety: [insurance company], [agent] dba [bond company]

SWORN TO AND SUBSCRIBED before me this, the _____ day of _____, 20____.

Notary Public, State of Texas

POWER OF ATTORNEY ATTACHED

Signature of Licensed Agent _____ Date _____

ATTORNEY BAIL BOND / AFFIDAVIT OF ATTORNEY

I certify I am the attorney representing the PRINCIPAL on this charge.

Attorney at Law _____ Bar Card Number _____ Date _____

Subscribed and sworn to before me the _____ day of _____, 20____.

Notary Public, State of Texas

CERTIFICATE OF SOLVENCY OF BOND

STATE OF TEXAS
COUNTY OF ELLIS

I, Johnny Brown, Sheriff in and for Ellis County, Texas, do hereby certify that

whose genuine signature appears signed to the Bond has in my opinion, good and ample security for the amounts specified, that he has property in said _____ County, Texas of a larger amount and subject to execution, and that if said property were offered to me for approval the same would be accepted and approved. WITNESS my hand and seal of office, at Ellis County, Texas.

DATED this _____ day of _____, 20____.

Johnny Brown, Sheriff of Ellis County, Texas

Effective 3/1/2014

This is Page 2 of the "Extradition Appearance Bond" that was with Page 1 that William M. Windsor signed as "Principal" in Judge Cindy Ermatinger's courtroom on December 19, 2014.

NO. 14-158

THE STATE OF TEXAS * IN THE 40TH JUDICIAL
vs. * DISTRICT COURT
William M. Windsor * ELLIS COUNTY, TEXAS

Offense: Extradition

**ORDER OF RELEASE IN CRIMINAL PROCEEDING SUBJECT TO
OUTSTANDING WARRANTS, HOLDS and/or BOND**

To the Sheriff of Ellis County, Texas:

You are directed to release the Defendant in this cause from jail of Ellis County, Texas, subject to outstanding warrants, holds, and/or bond (if any), as set forth below.

- _____ Case Dismissed by State.
- _____ Found Not Guilty by Jury.
- _____ Found Not Guilty by Court.
- _____ Defendant Continued On Community Supervision.
- _____ Prosecution Declined.
- _____ Community Supervision for _____ Years as Part of Plea Agreement.

The Defendant has been in jail over 90 days and, (a) there is no Indictment on file, or (b) the Indictment was returned after the 90 day period of incarceration, therefore, the Defendant is being released pursuant to C.C.P. Article 17.151 on a Personal Recognizance Bond in the amount of \$

Defendant will turn over his passport to District Clerk of Ellis County on
Bond Set in the Amount of \$PR Bond 100,000.00 with the following Worley
terms and conditions: Dec 22, 2014
By 10:00 am

- _____ Defendant shall not purchase, possess, or use controlled substances, alcohol and/or firearms.
- _____ Defendant shall have no contact or communication, direct or indirect, with any victim involved in the case.
- _____ Defendant shall have no contact or communication, direct or indirect, with any co-actor involved in the case.
- _____ Defendant shall enter the Pretrial Supervision Program of the Ellis County CSCD and pay the standard monthly fee; report to the CSCD as directed, and submit to random tests for controlled substances and/or alcohol at Defendant's expense.
- X Defendant shall live at the residence of Marriott Court and Dallas Richardson at
Spring Valley - 1000 South Starman, Richardson,
TX 75081
- _____ Defendant shall not operate a motor vehicle.
- _____ Defendant shall enter and successfully participate in and complete a substance abuse education course and/or addiction program recommended by the CSCD.
- _____ Defendant shall at his expense and before release install an ankle monitor.

Signed December 19, 2014

Key Date: January 21, 2015 at 9:00 am.

William M. Windsor
William M. Windsor

Cindy Ermatinger
JUDGE PRESIDING
443RD JUDICIAL DISTRICT COURT SITTING
FOR THE 40TH JUDICIAL DISTRICT COURT

The "Order of Release" listing the Bond terms is the third page that both William M. Windsor and Judge Cindy Ermatinger signed in her courtroom on December 19, 2014. [Exhibit 2 to AFFI-2016-06-03.] The documents on pages 5-7 were photocopied and given to Windsor in Judge Ermatinger's courtroom on 12/19/14.

STATE OF TEXAS

EXTRADITION APPEARANCE BOND

COUNTY OF ELLIS

Know All Men by These Presents:

That we, William M. Windsor as PRINCIPAL, and other subscribers hereto as Surety, are held and firmly bound unto the State of Texas in the penal sum of \$~~100,000.00~~ PR Bond Dollars, and in addition, we are bound for the payment of all necessary and reasonable fees and expenses incurred by any and all Sheriffs and other Peace Officers in re-arresting the Principal in the event the conditions of the bond are violated. For the payment of which sum or sums, well and truly to be made, each of us do bind ourselves, our heirs, executors, and administrators, jointly and severally by these present.

The conditions of the above obligation is such that whereas the above named principal stands charged with OUT OF STATE FELONY AND MISDEMEANOR OFFENSES FROM THE STATE OF MONTANA, duly presented in the DISTRICT Court of ELLIS COUNTY, Texas, to wit: EXTRADITION HEARING FOR STATE OF MONTANA. Additional terms of release are attached to the bond.

Now if the above named principal shall well and truly make his appearance before said court INSTANTER, or upon notice of the court and further shall well and truly make his personal appearance before any Court or Magistrate to which said charge may be transferred or before whom this cause may hereafter be pending at any time when, and any place where his presence may be required under the Code of Criminal Procedure of the State of Texas or by any Court or Magistrate, and for all subsequent proceedings had relative to said charge and there remain from day to day and term to term until discharged by due course of law, then and there to answer the said accusations against him, then this obligation shall become null and void; otherwise to remain in full force and effect.

CASH BOND: Following the disposition of this case, any monies not held by the court will be paid to the person in the name of whom a receipt was issued, or to the defendant, if no other person is able to produce a receipt for the funds. PR Bond in the amount of one hundred thousand dollars -

Signed and dated on this 19 day of December, 2014.

<u>William M. Windsor</u> Principal's Signature or Mark	_____ Surety's Signature
<u>WILLIAM M. WINDSOR</u> Principal's Printed Name	_____ Printed Name of Surety/Licensed Surety Company
<u>1000 S. SHERMAN</u> Principal's Permanent Address <u>TEMPORARY</u>	_____ Surety's Mailing Address
<u>RICHTARDSON TX 75081</u> City State Zip	_____ City State Zip
<u>773 578-1094</u> Principal's Telephone Number	_____ Surety's Telephone Number
Taken and approved this <u>19</u> day of <u>Dec</u> <u>Johnny Brown</u> , 20 <u>14</u> Sheriff of Ellis County, Texas.	Defendant/Principal's Information: Race: <u>W</u> Sex: <u>M</u> DOB: <u>10-2-1948</u>
By <u>[Signature]</u> # <u>213</u> Deputy	Place of Birth: <u>COLUMBUS, GEORGIA</u> Date of Arrest: <u>10-28-2014</u>
Bond Received By <u>[Signature]</u>	Arresting/Detaining Agency: <u>Ellis County Sheriff's Dept</u>
Principal's Signature Witnessed By <u>[Signature]</u>	Warrant # _____
Principal Released from Custody By _____	CASH <input checked="" type="checkbox"/> BONDS/WRITERS SURETY NAMED HEREIN HAS COLLATERAL IN THE AMOUNT INDICATED AND, IF SUBMITTED FOR APPROVAL, I WOULD ACCEPT SAME.
	JOHNNY BROWN, SHERIFF ELLIS COUNTY TEXAS By <u>[Signature]</u>

This is the document that the State swore under oath in its Motion for Summary Judgment (Exhibit A) is the "original bond signed by William M. Windsor on December 19, 2014." [Exhibit 4 to AFFI-2016-06-03, Exhibit 2 to AFFI-SANCTIONS.] William M. Windsor has sworn that he did not sign THIS, and his signature was not witnessed by these people.

24. A comparison of Page 7 and Page 10 above makes it clear that the State's version of the "Bond" contains six signatures, a date, and a stamp that do not appear on what William M. Windsor signed in Judge Cindy Ermatinger's courtroom. William M. Windsor was in an orange jail uniform and was handcuffed. He had no access to white-out or a copier or any means to alter what he was given. In addition, three other copies of these documents were made, so additional evidence is at the Ellis County Courthouse unless it has been destroyed.

25. The State of Texas altered the so-called "Bond" after William M. Windsor saw it. The so-called "Bond" that William M. 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 fraudulent "Bond."

26. William M. Windsor's sworn testimony on this is uncontroverted.

27. The preparation and signing of the three-page document shown on pages 7, 8, and 9 above is memorialized in the Transcript of the December 19, 2014 Hearing. [AFFI-2016-06-03, Exhibit 1, PP.51-60]

28. The State has forged the "Extradition Appearance Bond" and has hidden the pages that specified the hearing date as January 21, 2015 and other terms. The Transcript of the December 19, 2014 Hearing proves that Assistant Ellis County District Attorney Ann Montgomery-Moran has been caught red-handed falsifying the "Bond" in this case. The following exchange took place as

Judge Cindy Ermatinger and William M. Windsor were signing three pages of documents (Pages 7, 8, and 9 herein): [AFFI-2016-06-03, Exhibit 1, P. 52 Lines 15-25, P. 53 Lines 1-18: “MS. MONTGOMERY: Correct. And then the sheriff will have to approve it when they get the bond back over and then he’ll sign – Mr. Windsor will have to sign there in front of a deputy. THE COURT: And then this additional terms of – attached to the – this? MS. MONTGOMERY: Whatever you – yes, ma’am. THE COURT: Okay. Okay. I don’t know if this has to go with it. MS. MONTGOMERY: They’re going to freak out if they don’t see two pages because they’re used to the two pages on a bond and I’ll call Captain Ogden and give him the heads up that it’s on its way over. THE COURT: ALL RIGHT. Thank you. MS. MONTGOMERY: Just so he’s aware of that. THE COURT: Thank you so much. Can I put a date for the hearing on this extradition appearance bond somewhere? MS. MONTGOMERY: No, Your Honor. That bond says instanter. THE COURT: Okay. MS MONTGOMERY: So it will be what you have attached on your order. THE COURT: Then I’ll put it on this one then. MS. MONTGOMERY: Yes, Your Honor. So it will be whatever date you put....”]

29. Note in this exchange that Assistant Ellis County Texas District Attorney Ann Montgomery-Moran said that bonds are two pages, yet she has filed and used a single page claiming it is the “Bond” in this matter.

30. Then note in this exchange that Assistant Ellis County Texas District Attorney Ann Montgomery-Moran tells Judge Cindy Ermatinger that the additional terms are to be **attached to** the Bond. And she tells Judge Cindy Ermatinger that the date for the hearing should be put on what is attached to the Bond. Note that the fraudulent Bond says “Additional terms of release are attached to the bond,” but that attachment has been removed.

31. Yet Assistant Ellis County Texas District Attorney Ann Montgomery-Moran has falsely and maliciously claimed that there was only one piece of paper involved, not three. When Assistant Ellis County Texas District Attorney Ann Montgomery-Moran had Tabitha Smith sign an affidavit under penalty of perjury before a notary stating that the document shown on Page 10 herein was the “original bond signed by William M. Windsor on December 19, 2014,” she knew she was allowing Tabitha Smith to commit perjury. She suborned this perjury.

32. And Ellis County Texas District Attorney should not continue to pretend AFFI-2016-06-03 Exhibit 4 is the bond as he has been caught red-handed as well. In the Transcript of the December 19, 2014 Hearing, he requests an additional term to be added to the bond. [AFFI-2016-06-03 Exhibit 1, PP.55-56.] His request can then be seen memorialized on AFFI-2016-06-03 Exhibit 2. Ellis County Texas District Attorney Patrick Wilson participated with Assistant Ellis

County Texas District Attorney Ann Montgomery-Moran in filing and using a document claiming it is a valid bond when they knew it was a fraud.

33. Note page 9 above. This is the standard second page to the Ellis County Extradition Appearance Bond effective 3/1/2014. Assistant Ellis County Texas District Attorney Ann Montgomery-Moran and the State destroyed this page because it shows that the Bond was never executed by a Surety as Texas statutes require. Also note on page 7 and page 10 above that there is no signature for the Surety, a signature required by statute. But note on page 10 above that Cheri Lujan claims “THE SURETY NAMED HEREIN HAS COLLATERAL IN THE AMOUNT INDICATED.” But there is no Surety named, and William M. Windsor did not have collateral in the amount of \$100,000.

34. 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-2016-06-03, Exhibit 1, P.59 Lines 7-22.] [AFFI-2016-06-03, ¶31.]

35. Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County Texas District Attorney Ann Montgomery-Moran were in the courtroom during the entire signing process during the hearing. 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.

36. Judge Cindy Ermatinger discussed William M. Windsor's severe claustrophobia and encouraged him to go to Montana to avoid a cross-country trip in chains. [AFFI-2016-06-03, ¶25.] Judge Cindy Ermatinger stated on the record that William M. Windsor could travel by car to Montana to surrender himself

rather than attend that hearing. [AFFI-2016-06-03, Exhibit 1, P.59 Lines 8-21:
“THE COURT: So be here on January 21st or if you decide to drive, then Montana will call us and let us know. THE DEFENDANT: Okay. THE COURT: Okay?
THE DEFENDANT: So sounds like it would be acceptable if I were to decide to go there, turn myself in, I’m not screwing up \$100,000 bond? THE COURT: I do not think so. Looks like from what I read in the code that you can turn yourself in. Just don’t be traveling on that day doing that. THE DEFENDANT: I won’t. THE COURT: Might be – you know – you’re claustrophobia, you might not want to do that.”

37. Tabitha Smith, James Cook, Terry Ogden, Cheri Lujan, and Johnny Brown did not attend the December 19, 2016 Hearing before Judge Cindy Ermatinger in Case #14-158. They did not witness William M. Windsor signing documents in Judge Cindy Ermatinger’s courtroom on December 19, 2014. But they signed a document falsely claiming that they were witnesses.

38. The actions of Ellis County Texas District Attorney Patrick Wilson, Assistant Ellis County Texas District Attorney Ann Montgomery-Moran, Ellis County Texas Judge Cindy Ermatinger, Tabitha Smith, Johnny Brown, Terry Ogden, Cheri Lujan, and James Cook caused William M. Windsor to be charged with felony bond jumping; a \$100,000 judgment was awarded against William M. Windsor; he was indicted by an Ellis County Grand Jury; he was incarcerated for

35 days in Ada County Idaho and held on \$1,000,000 bond; he was incarcerated for 46 days in Missoula County Montana and held on \$1,000,000 bond; and William M. Windsor has been deprived of his liberty for over 500 days and counting. Johnny Brown, Terry Ogden, Cheri Lujan, and James Cook and the State of Texas have committed crimes in signing Exhibit 4 to AFFI-2016-06-03. They did not witness William M. Windsor signing the alleged bond, and Exhibit 4 to AFFI-2016-06-03 is not a true and correct copy of the original bond. Tabitha Smith, Johnny Brown, Terry Ogden, Cheri Lujan, and James Cook and the State of Texas must be arrested for Perjury, Tampering with or Fabricating Physical Evidence, Tampering with Governmental Record, Obstruction of Justice, and any other crimes that this Court feels are appropriate. [AFFI-2016-06-03, ¶27.]

39. 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.

40. The “Extradition Appearance Bond” (Pages 7 and 10 above) states in paragraph 2: “Additional terms of release are attached to the bond.” The additional terms were the “Order of Release in Criminal Proceeding Subject to Outstanding Warrants, Holds and/or Bond.” [Exhibit 3 to AFFI-2015-06-04.] [AFFI-2016-06-03, ¶36.]

41. The State concealed the “Order of Release in Criminal Proceeding Subject to Outstanding Warrants, Holds and/or Bond” and Page 2 of the “Extradition Appearance Bond.” [Exhibit 4 to AFFI-2016-06-03 is a true and correct copy of Exhibit A to the State’s Response to Motion for Summary Judgment.] [See the Indictment attached as Exhibit 5 to AFFI-2016-06-03.] 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.” 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 “Bond” 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-2016-06-03, ¶38.]

42. The State used the fraudulent and forged “Bond” because it enabled them to claim William M. Windsor had to appear in court in Ellis County at any time. The pages that were destroyed showed that the appearance was for a specific date. The page showing that kept the State from orchestrating its unlawful scheme against William M. Windsor.

43. On December 19, 2014, the Ellis County Jail released William M. Windsor without having him sign anything except a receipt for his money balance

and a receipt for his clothes. William M. Windsor later wrote to Judge Cindy Ermatinger to ask whether the Personal Recognizance Bond was valid since he was told that he would need to sign bond paperwork at the jail. There was no response. [Exhibit 8 to AFFI-2016-06-03 is a true and correct copy of the letter to Judge Cindy Ermatinger that was docketed by the Clerk of the Court.] [AFFI-2016-06-03, ¶41.]

44. The actions of Ellis County Texas District Attorney Patrick Wilson, Assistant Ellis County Texas District Attorney Ann Montgomery-Moran, and Judge Cindy Ermatinger constitute prosecutorial and judicial wrongdoing that is extremely serious. This Court is asked to Stay Case #90744 until this fraud can be investigated. Once this evidence is accepted as proving the fraud, the underlying case should be dismissed with prejudice.

**JUDGE CINDY ERMATINGER MUST NOT BE ALLOWED TO
SCHEDULE HEARINGS AND A TRIAL WHILE A MOTION FOR
RECUSAL IS PENDING**

45. Judge Cindy Ermatinger must not be allowed to schedule a hearing and a trial while a motion for recusal is pending.

46. This is briefed in paragraphs 60 to 69 in the First Amended Petition for Writ of Mandamus.

47. This Court must stop Judge Cindy Ermatinger by issuing a stay in Case #90744.

JUDGE CINDY ERMATINGER MUST BE STOPPED FROM SETTING HEARING DATES THAT EFFECTIVELY OVERRULE THE MOTIONS WITHOUT CONSIDERATION.

48. Judge Cindy Ermatinger must be stopped from setting hearing dates that effectively overrule the motions without consideration.

49. This is briefed in paragraphs 70 to 80 in the First Amended Petition for Writ of Mandamus.

50. This Court must stop Judge Cindy Ermatinger by issuing a stay in Case #90744.

JUDGE CINDY ERMATINGER MUST CONDUCT AS MANY HEARINGS AS PRACTICAL BY TELEPHONE AND MUST BE STOPPED FROM REQUIRING WILLIAM M. WINDSOR TO COME TO ELLIS COUNTY FOR A HEARING SO SHE CAN ARRANGE TO HAVE HIM ARRESTED ON BOGUS CHARGES.

51. Judge Cindy Ermatinger has denied and ignored William M. Windsor's requests to participate in hearings by telephone. She is attempting to get William M. Windsor arrested if he comes to Ellis County for a hearing.

52. This is briefed in paragraphs 46 to 53 in the First Amended Petition for Writ of Mandamus.

53. This Court must stop Judge Cindy Ermatinger by issuing a stay in Case #90744.

JUDGE CINDY ERMATINGER MUST CONSIDER AND RULE ON THE DISPOSITIVE MOTION TO DISMISS PRIOR TO SCHEDULING ANY HEARINGS IN CASE #90744.

54. William M. Windsor filed a Motion to Dismiss OVER A YEAR AGO. Judge Cindy Ermatinger ignored it. The State did not even file a Response within the first year after it was filed.

55. Rule 7 (a) (2) of the Texas Administrative Rules provides that a judge is to “rule on a case within three months after the case is taken under advisement....” The Motion to Dismiss is a dispositive motion that must be addressed before any other motions are considered.

56. This Court must grant a Stay so Judge Cindy Ermatinger is not allowed to consider other motions without first ruling on the dispositive motion that has been pending for over a year.

PRAYER

WHEREFORE, William M. Windsor prays that this Court:

- a. grant this Motion;
- b. order a Stay in case #90744 in the 443rd District Court in Ellis County Texas;
- c. order that William M. Windsor be given the opportunity to have the representation of a public defender;
- d. order that the dispositive Motion to Dismiss must be ruled upon in Case #90744 before any other motions are considered;
- e. investigate the fraud in case #14-158, 90744, and 39746-CR; and
- f. grant any other relief that this Court deems just and proper.

Submitted this 23rd day of June 2016,



William M. Windsor

CERTIFICATION

I hereby certify that I notified the Respondent, the Real Party in Interest, and six of their staff members by email at 11:38 pm on June 23, 2016 that I would be filing a Motion for Temporary Relief. I further certify that I have reviewed the Motion for Temporary Relief, and every factual statement in the Petition is supported by competent evidence included in the appendix or record.

Signed this 23rd day of June 2016,



William M. Windsor

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this Motion for Temporary

Relief by email:

Judge Cindy Ermatinger, 443rd District Court, 109 S. Jackson Street,
Waxahachie, Texas 75165

Ellis County District Attorney Patrick Wilson, 109 S. Jackson Street,
Waxahachie, Texas 75165

Assistant Ellis County District Attorney Ms. M. Ann Montgomery-Moran,
109 S. Jackson Street, Waxahachie, Texas 75165

Signed this 23rd day of June 2016,



William M. Windsor

110 E Center Street #1213, Madison, South Dakota 57042, 770-578-1094,
bill@billwindsor.com