

CAUSE NO. 90744

State of Texas	§	443rd Judicial District Court
v	§	
William M. Windsor	§	Ellis County Texas

**SECOND MOTION FOR RECUSAL OF JUDGE CINDY ERMATINGER**

William M. Windsor files this Second Motion for Recusal of Judge Cindy Ermatinger, pursuant to the Texas Code of Judicial Conduct, the United States Constitution, and Rule 18a and 18b of the Texas Rules of Civil Procedure.

William M. Windsor shows the Court as follows:

**FACTUAL BACKGROUND**

1. The factual background for this request is in the sworn, notarized Motion for Recusal of Judge Cindy Ermatinger filed June 3, 2016 (“OMFR”), referenced and incorporated herein as if attached to the OMFR.
2. On December 19, 2014, a hearing was held in Case #14-158 in the 443rd Judicial District Court in Ellis County Texas. Judge Cindy Ermatinger told William M. Windsor to surrender himself to authorities in Montana or be at a hearing in her Court on January 21, 2015. [Exhibit 1 to the OMFR is a Transcript of the Hearing (“Transcript”); see PP.51-52, P.59 Lines 8-21.]
3. 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.

4. Both Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County Texas District Attorney Ann Montgomery-Moran participated in the hearing.

5. The Transcript of the Hearing establishes that Ellis County Texas District Attorney Patrick Wilson was in the courtroom. [Exhibit 1 to the OMR, 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. [Exhibit 1 to the OMR, PP. 52-58.]

6. 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.

7. 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. [Exhibit 1 to the OMR, P.52.] The documents to be signed were given to Judge Cindy Ermatinger by Assistant Ellis County Texas District Attorney Ann Montgomery-Moran.

8. 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. [Exhibit 1 to the OMR, 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."

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

10. 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. [Exhibit 1 to the OMFR, P.59 Lines 7-22.]

11. On December 19, 2014, William M. Windsor signed the so-called “Bond.” 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. [Exhibit 1 to the OMFR.]

12. 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 2 to the OMFR 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.

13. 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 3 to the OMFR 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.]

14. Exhibits 2 and 3 to the OMFR are 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.

15. 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." [See Exhibit 4 to the OMFR, 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. Exhibits 2 and 3 to the OMFR 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. Judge Cindy Ermatinger knows as well. 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” (Exhibit 4 to the OMFR) 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.

16. 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.

17. 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 the OMFR is a true and correct copy of the letter to Judge Cindy Ermatinger that was docketed by the Clerk of the Court.]

18. On December 19, 2014, after leaving the jail, William M. Windsor went to the Clerk of the Court where he filed a “Notice of Change of Address for Legal Mail” with the Clerk of the Court. Exhibit 9 to the OMFR is a true and correct copy of this Notice which shows William M. Windsor’s address to be “P.O. Box 150325, Dallas, TX 75315, 770-578-1094, windsorinjail@yahoo.com. Note that no fax number was given as a means of communications.

19. On December 29, 2014 at approximately 11:00 am, William M. Windsor went to the United States Post Office to pick up his mail. There was no mail from the Court, the District Attorney, or the State of Texas. He had received no phone calls from this Court or the State. He had not received any emails from this Court or the State. Nothing was received from his South Dakota mail forwarding service either.

20. On December 29, 2014, William M. Windsor completed his packing and headed out of Texas for Montana.

21. Late in the afternoon on December 29, 2014, William M. Windsor was told by a sibling in Florida that there may be a hearing scheduled regarding him on December 30, 2014.

22. On December 29, 2014 just moments before 5:00 pm, William M. Windsor called and spoke with Judge Cindy Ermatinger's Coordinator, Melissa Butler. She informed him that the State had requested a hearing. William M. Windsor told her that he was on the way to Montana and would be unable to attend, and he told her that he had received absolutely no notice of the hearing. Melissa did not tell him what the hearing was to be about. He told her that he could only participate by telephone. Judge Cindy Ermatinger had requested confirmation of his telephone number at the December 19, 2014 hearing, as the Transcript confirms.

23. William M. Windsor drove to Oklahoma City Oklahoma. He was headed to Montana as discussed with Judge Cindy Ermatinger as she clearly stated was one of the two options for him.

24. The morning of December 30, 2014, William M. Windsor drafted a Motion to Cancel Hearing and Motion for Continuance. At 11:34 am, two hours before the alleged hearing, William M. Windsor emailed this to the Clerk of the Court, Melanie Reed, for filing, and immediately thereafter, he emailed it to Attorney Juanita Edgecomb in Waxahachie. Exhibit 10 to the OMFR is a true and correct copy of the email to Melanie Reed and the Motion to Cancel Hearing and Motion for Continuance.



25. William M. Windsor was not called by the Court on December 30, 2014 or at any time. He never received a notice about a December 30, 2014 hearing.

26. Attorney Juanita Edgecomb did attend the December 30, 2014 Hearing. She reported to him that Judge Cindy Ermatinger said he violated the PR Bond by not appearing for the hearing. Attorney Juanita Edgecomb informed William M. Windsor that Ellis County District Attorney Patrick Wilson told the Court that he had sent notice of the hearing to William M. Windsor's "last known address," a fax machine at the Marriott Courtyard in Richardson, Texas. Ellis County District Attorney Patrick Wilson claimed he had a fax confirmation. Attorney Juanita Edgecomb informed William M. Windsor that Judge Ermatinger indicated he was told to keep his address current and the Marriott was the address provided so that is where they sent notice. Attorney Juanita Edgecomb informed William M. Windsor that Judge Ermatinger also stated that William M. Windsor was to inform the Court of my intent to go to Montana if that was his plan and that he never informed them prior to the hearing of his intent to go so she decided to forfeit the bond.

27. What Juanita Edgecomb reported to William M. Windsor contained many false statements by Judge Cindy Ermatinger and Ellis County District Attorney Patrick Wilson. It also included hearsay as well as omissions by Court

Coordinator Melissa Butler. The Bond did not require William M. Windsor to attend any hearings except the January 21, 2015 hearing that was later canceled. Ellis County District Attorney Patrick Wilson did not send notice of the hearing to William M. Windsor in any manner and certainly not to his last-known address, to his email, to his PO Box, or to his South Dakota address, each of which had been provided to him, and Ellis County District Attorney Patrick Wilson never called William M. Windsor at the phone number he gave in court on December 19, 2014 and on various letters and filings sent to him. The Desk Clerk at the Marriott Courtyard in Richardson told William M. Windsor on December 30, 2014 that no fax had been received for him and no mail had been received. William M. Windsor never gave a fax number at a hotel or anywhere else as a means to send him legal notices. The Transcript of the December 19, 2014 Hearing shows that the Court did not tell William M. Windsor that he was to inform the Court of his intent to go to Montana. William M. Windsor did inform Court Coordinator Melissa Butler on December 29, 2014 that he was headed to Montana. In addition, he emailed Melanie Reed the morning of December 30, 2014 with the Motion to Cancel and Motion for Continuance (Exhibit 10 to the OMFR) that clearly states that he was headed to Montana to surrender. This Court was informed by that filing.

28. William M. Windsor's story and his plans to surrender in Montana had been publicized online. Exhibit 11 to the OMFR includes true and correct copies of articles that have been published on [www.LawlessAmerica.com](http://www.LawlessAmerica.com) since William M. Windsor was released from the Ellis County Jail on December 19, 2014. Note the December 28, 2014 article in which it stated "...likely have to turn himself in by January 20 in Missoula, Montana," and "Bill Windsor very well may be destined to die in a Montana prison." Note the December 29, 2014 article at 5:51 pm where William M. Windsor wrote about the surprise hearing that he did not receive notice of; William M. Windsor wrote that he would attend by phone and explained the terms of the PR bond which required either that he attend the January 21, 2015 hearing or surrender in Montana. Note the December 30, 2014 article titled "Bill Windsor is Alive and Well between Dallas, Texas and Missoula, Montana" that says "I'm still heading to Montana." Note the January 1, 2015 article that says William M. Windsor was "en route to Missoula, Montana."

29. Ellis County Texas District Attorney Patrick Wilson had a legal obligation to provide notice of a hearing, but William M. Windsor received no notice of a hearing on December 30, 2014. William M. Windsor prepared a filed a "Motion to Cancel and for Continuance" within two business hours after he was informed by a sibling that a hearing might be taking place on December 30, 2014. This Court was wrong to ignore this Motion. This Court had a legal and ethical

obligation to consider this motion. Article 1.05 of the TCCrP provides that William M. Windsor had the right to be heard, and Article 1.051 provides that he had the right to be heard through counsel. These rights were denied.

30. The Court's rulings on December 30, 2014 were based upon false allegations. At least four key facts were falsely stated at the December 30, 2014 Hearing. These are proven false by the December 19, 2014 Transcript.

31. William M. Windsor was instructed that he was to appear for a hearing on January 21, 2015 or go to Montana and surrender himself. He did precisely as directed, so he did not do anything wrong by not appearing in Texas on December 30, 2014.

32. On December 30, 2014, in Case #14-158, Judge Cindy Ermatinger forfeited William M. Windsor's so-called "Bond" because he did not appear at the hearing. A Judgment NISI was issued. 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. [Exhibit 4 to the OMFR.]

33. On January 14, 2015, William M. Windsor was indicted by the Ellis County Grand Jury for the crime of felony bond jumping. William M. Windsor did not commit a crime. Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County District Attorney Ann Montgomery-Moran maliciously

filed these bogus criminal charges against William M. Windsor using a fraudulent bond. Judge Cindy Ermatinger has conspired with them, and she will do anything to aid them in their criminal activities.

34. On January 21, 2015, a capias warrant was issued for William M. Windsor. 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 Tabitha Smith, James Cook, Terry Ogden, Cheri Lujan, and Johnny Brown signed claiming they witnessed William M. Windsor.

35. On February 19, 2015, William M. Windsor was incarcerated in the Ada County Idaho Jail. He was held there until March 25, 2015. 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.

36. 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. 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.

37. The State has even used bogus copies of the “Indictment.” On June 1, 2016, William M. Windsor obtained a copy of the Indictment issued against him. [Exhibit 5 to the OMFR is a true and correct copy of the Indictment that the Clerk of the Court provided along with her communications related to the OMFR.] [Exhibit 6 to the OMFR is a true and correct copy of the Indictment that the State previously used in a 2015 Montana court filing.] Note that Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County District Attorney Ann Montgomery-Moran used a bogus copy of the Indictment.

38. On May 9, 2015, William M. Windsor was released on bond from the Missoula County Detention Center.

39. On June 1, 2015, William M. Windsor sent a Petition for Writ of Habeas Corpus for filing to the Clerk of the Court in this case. It was filed. The State never responded. Judge Cindy Ermatinger never ruled on the Petition.

40. On June 1, 2015, William M. Windsor sent a Motion to Dismiss to the Clerk of the Court for filing in this case. It was filed. The State never responded. Judge Cindy Ermatinger never ruled on the Motion.

41. On October 29, 2015, Judge James A. Haynes of Missoula County Montana dismissed three charges against William M. Windsor that there was no factual or legal basis for. This meant he was charged with two misdemeanors, alleged crimes that do not permit someone to be extradited.

42. On March 1, 2016, William M. Windsor filed a Motion for Summary Judgment in Case #90744 in the 443rd Judicial District Court in Ellis County Texas.

43. On March 25, 2016, because Judge Cindy Ermatinger was not acting on any motions, William M. Windsor sent a Demand for Orders to the Clerk of the Court for filing in this case. It was filed. Judge Cindy Ermatinger never acted upon the Demand.

44. On March 25, 2016, because Judge Cindy Ermatinger was not acting on any motions, William M. Windsor sent a Demand for Orders to the Clerk of the Court for filing in Case #14-158. It was filed. Judge Cindy Ermatinger never acted upon the Demand.

45. On June 2, 2016, Judge Cindy Ermatinger's clerk issued a letter setting a hearing for June 10, 2016 and the summary judgment hearings for June 28, 2016 with William M. Windsor's attendance REQUIRED. A June 10, 2016 hearing was impossible as it violates the rights granted pursuant to TRCP Rule 166a. Despite no requests for hearings and specific motions explaining the need to participate by telephone, the letter set hearings on motions including matters for hearing that are required to be heard prior to resolution of summary judgment motions. [Exhibit 12 to the OMFR is a true and correct copy of the emailed letter.]

46. William M. Windsor's last court visit in Ellis County found him unlawfully incarcerated for 53 days on bogus charges, and a host of crimes and violations of Constitutional rights were committed against him. He believes being REQUIRED to attend unnecessary hearings is a set-up orchestrated by Ellis County Texas District Attorney, Patrick Wilson and Judge Cindy Ermatinger. Upon information and belief, Ellis County Texas District Attorney, Patrick Wilson, wants to have him arrested on bogus charges. Upon information and belief, Judge Cindy Ermatinger is conspiring with the Ellis County District Attorney's Office in this regard. William M. Windsor asked the Ellis County District Attorney's Office to advise if they will quash the indictment, if there is a warrant for him in Ellis County, and if the plan is to have him arrested when he shows up in Ellis County. There was no response. [Exhibit 13 to the OMFR is a true and correct copy of the email.]

47. William M. Windsor never received notice by service of Citation in Case #90744. Windsor was never served with it. [AFFI-2016-06-02, ¶32.]

48. William M. Windsor never received the indictment. He was never served with it. He did not see the indictment until Clerk of the Court Melanie Reed emailed a copy to him on May 31, 2016. [Exhibit 5 to the OMFR includes a true and correct copy of the email received from Melanie Reed.] Clerk of the Court Melanie Reed informed William M. Windsor that there is no Complaint or



Information in the Indictment Case. The Indictment shows that William M. Windsor was not charged with a Texas crime and was not released to return to stand trial on a Texas crime.

49. On June 3, 2016, William M. Windsor filed a Motion for recusal of Judge Cindy Ermatinger.

50. On June 9, 2016, Judge Cindy Ermatinger refused to recuse herself or disqualify herself.

51. On September 29, 2016, William M. Windsor filed a Notice of Withdrawal on Referral of the Motion for Recusal of Judge Cindy Ermatinger to the Presiding Judge. He did so because he could not be in Ellis County Texas on September 30, 2016 for a hearing on the Motion. He did so as he has been unable to obtain an attorney. He has pleaded to no avail with the various judges assigned to this case to appoint an attorney to represent him so the attorney could appear in person to handle the hearing and the case. He has now taken his effort to obtain a court-appointed attorney to the United States Supreme Court. There is no legal basis to ignore or deny this request. Texas law has long since been established that this matter is a criminal matter, and William M. Windsor has established his indigence. He has pleaded for a continuance. Those requests have been denied without findings of fact and conclusions of law. Those requests have been denied without legal, ethical, or moral justification. William M. Windsor DID NOT

withdraw his motion for recusal; it had already been denied by Judge Cindy Ermatinger. He simply withdrew referral to the Presiding Judge as he could not attend a hearing in person.

## ARGUMENT

### FIRST GROUNDS FOR RECUSAL:

**“A judge must recuse in any proceeding in which: the judge has personal knowledge of disputed evidentiary facts concerning the proceeding....”**

52. This is a requirement any time raised. (*Morgan Keegan & Co., INC. v. Purdue Avenue Investors LP*, 05-15-00369-CV (Tex.App. Dist.5 05/18/2016).)

53. Judge Cindy Ermatinger has knowledge of disputed evidentiary facts obtained prior to this case, and she will be called as a witness. She cannot testify and preside over the case because she is REQUIRED to recuse herself in the proceedings due to her knowledge of disputed evidentiary facts. [Texas Rule of Civil Procedure 18b(a)(3).]

**“A judge must recuse in any proceeding in which the judge has personal knowledge of disputed evidentiary facts concerning the proceeding.”**  
**(*Enriquez v. Bell*, 04-13-00077-CV (Tex.App. Dist.4 12/11/2013).)**

54. William M. Windsor says Exhibits 2 and 3 to the OMFR constitute the Bond in this matter. The State says Exhibit 4 to the OMFR is the bond. Judge Cindy Ermatinger has personal knowledge of what was signed in front of her and by whom on December 19, 2016 in Case #14-158. She has copies. She knows what the terms of the bond were. She can identify the documents that she

personally gave to William M. Windsor. Judge Cindy Ermatinger knows who was and was not in the courtroom on December 19, 2014. She knows the signatures on Exhibit 4 to the OMFR were not made in her courtroom.

55. William M. Windsor was unaware of this case for a long time after it was filed. He was never served with a Citation or anything. If he had known, he would have filed a motion for recusal earlier... but he did raise his complaints promptly after learning of the matters that form the basis of his complaints. *See Guerrero*, 400 S.W.3d at 583.

56. This motion is timely. *See Lamberti*, 776 S.W.2d at 652

57. Judge Cindy Ermatinger's refusal and failure to address motions in this case, her false statements at the December 30, 2014 hearing in Case #14-158, her repeated attempts to force William M. Windsor to appear in person so he can be arrested, her failure to dismiss this case, her conspiracy with the prosecuting attorneys, and her failure to appoint an attorney for William M. Windsor all demonstrate her unfavorable disposition toward William M. Windsor. Her actions and inactions in this case and case #14-158 have been wrongful.

58. Judge Cindy Ermatinger's June 9, 2016 denial of the recusal motion was an abuse of discretion as she "misapplied or misinterpreted" applicable recusal law. (*Kniatt v. State*, 239 S.W.3d 910 (Tex.App. Dist.10 12/05/2007).)

## **SECOND GROUNDS FOR RECUSAL:**

### **“The judge’s impartiality might reasonably be questioned.”**

59. The first things that Judge Cindy Ermatinger ever said to William M. Windsor were that she didn’t know anything about why William M. Windsor was not being allowed bail in the criminal case that she was handling and that he had to file a Petition for Writ of Habeas Corpus in Missoula Montana rather than in her court. These ridiculous statements establish that Judge Cindy Ermatinger was not impartial. It was clear to William M. Windsor that she was part of the conspiracy to unlawfully incarcerate him. (See Texas Rule of Civil Procedure 18b(a)(1).)

60. Judge Cindy Ermatinger had an obligation to deal with the bond allegedly given to William M. Windsor by the Ellis County magistrate who conducted his extradition “arraignment.” She knew that judges in Montana had no jurisdiction over a prisoner in Texas.

61. Ellis County Texas Judge Cindy Ermatinger refused to release William M. Windsor at hearings on November 21, 2014, November 25, 2014, and December 5, 2014. She had no legal basis for her refusal.

62. Judge Cindy Ermatinger ignored all the facts and the law, denied petitions for habeas corpus with no legal basis whatsoever. Virtually every aspect of the Texas extradition statutes was violated in the 53-day incarceration of William M. Windsor in the Ellis County Jail. Judge Cindy Ermatinger ignored all

of the wrongdoing.

63. Judge Cindy Ermatinger then feigned ignorance of the terms of William M. Windsor's release on bond. She blocked the filing of William M. Windsor's Motion to Cancel Hearing and Motion for Continuance. It was never docketed though absolutely received by the Clerk of the Court.

64. Judge Cindy Ermatinger lied in court on December 30, 2014. She made statements proven false by the Transcript of the December 19, 2014 Hearing. When this was proven to her, she ignored the proof.

65. Judge Cindy Ermatinger has ignored all of William M. Windsor's filings in Case #14-158 and Case #90744.

66. Judge Cindy Ermatinger is now conspiring with to try to force William M. Windsor to come to Ellis County Texas to be arrested on the fraudulently-obtained indictment.

67. Judge Cindy Ermatinger has violated Rule 7 (a) (1) of the Texas Administrative Rules: "(1) diligently discharge the administrative responsibilities of the office...."

68. Judge Cindy Ermatinger has violated Rule 7 (a) (2) of the Texas Administrative Rules: "(2) rule on a case within three months after the case is taken under advisement...."

69. Judge Cindy Ermatinger has also violated Rule 7(a)(6)(e) of the Texas Administrative Rules: “(e) local rules, consistently applied, to regulate docketing procedures and timely pleadings, discovery and motions.” She has failed to establish any rules; she runs her proceedings like Judge Roy Bean and the other judges of Ellis County who are as corrupt as the day can be long.

70. An unanswered Motion to Dismiss required a decision on the dispositive motion that asked the Court to dispose entirely of the claims in favor of the Defendant without need for further trial court proceedings. This should have been done not later than October 1, 2015.

71. Judge Cindy Ermatinger is part of a criminal racketeering organization that controls the courts and law enforcement in Ellis County Texas. Everything that she does is for the corrupt organization and against William M. Windsor and others unlucky enough to land in criminal court in Ellis County Texas.

72. Judge Cindy Ermatinger has no impartiality!

73. Reasonable members of the public would have a reasonable doubt as to whether Judge Cindy Ermatinger could be impartial.

“a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge and the case, would have a reasonable doubt that the judge is actually impartial.” *Burkett v. State*, 196 S.W.3d 892, 896 (Tex.App.-Texarkana 2006, no pet.)

### **THIRD GROUNDS FOR RECUSAL:**

#### **The judge has a personal bias or prejudice concerning the subject matter or a party.**

74. For all the reasons stated above and the facts, it is clear that Judge Cindy Ermatinger has a personal bias for the Ellis County District Attorney's Office and against William M. Windsor. (See Texas Rule of Civil Procedure 18b.)

75. If Judge Cindy Ermatinger did not have this bias and prejudice, there never would have been a December 30, 2014 hearing as she knew William M. Windsor was out of Texas on his way to Montana as she established as the terms for his release. She would have accepted William M. Windsor's Motion to Cancel Hearing and Motion for Continuance as a reasonable excuse for not attending the hearing. She, at the very least, would have allowed him to participate by telephone.

76. If Judge Cindy Ermatinger did not have this bias and prejudice, William M. Windsor's subsequent filings would have "reminded" her of the terms of his release and that the forfeiture of the bond, the Judgment NISI, and the Indictment were all improper. She would have acted upon the fraudulent Bond used by the Ellis County District Attorney's Office.

77. If Judge Cindy Ermatinger did not have this bias and prejudice, William M. Windsor's valid motions would have been dealt with rather than ignored.

78. If Judge Cindy Ermatinger did not have this bias and prejudice, she would not be conspiring with Ellis County District Attorney Patrick Wilson and Assistant Ellis County District Attorney Ann Montgomery-Moran to lure William M. Windsor to Ellis County Texas to be arrested on completely bogus charges.

#### **FOURTH GROUNDS FOR RECUSAL:**

**Judge Cindy Ermatinger has violated Canon 1 of the Texas Code of Judicial Conduct by failing to uphold the integrity and independence of the judiciary.**

79. Judge Cindy Ermatinger's actions are an outrage. She has conspired with the prosecutors, has allowed evidence to be destroyed, and has allowed fraudulent evidence to be used. And, this is evidence that SHE has copies of in her files. SHE handed the real evidence to William M. Windsor. She has ignored all of William M. Windsor's court filings. The list goes on and on of the things she has done that demonstrate a complete void of integrity and independence.

#### **FIFTH GROUNDS FOR RECUSAL:**

**Judge Cindy Ermatinger has violated Canon 2 of the Texas Code of Judicial Conduct by failing to avoid impropriety and the appearance of impropriety in all of her activities.**

80. Judge Cindy Ermatinger did not comply with the law did not act in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Anyone who looks at what Judge Cindy Ermatinger did and didn't do in these cases will see that she violated the law, the Rules, and committed crimes.



She has no integrity, and she lacks impartiality.

**SIXTH GROUNDS FOR RECUSAL:**

**Judge Cindy Ermatinger has violated Canon 3 of the Texas Code of Judicial Conduct by failing to perform the duties of judicial office impartially and diligently.**

81. Judge Cindy Ermatinger has not acted impartially. No impartial judge would ignore motions and REQUIRE William M. Windsor to appear in Ellis County for motion hearings to have him arrested. It is also possible that she is incompetent. No judge who is competent would tell a defendant in her court that she knows nothing about bail bonds or that the State of Montana's judges have control over her courtroom. Judge Cindy Ermatinger has performed her judicial duties with total bias for the prosecution and complete prejudice against William M. Windsor. Judge Cindy Ermatinger did not accord William M. Windsor with the right to be heard according to law. Judge Cindy Ermatinger initiated, permitted, and considered ex parte communications outside the presence of William M. Windsor with the district attorney's employees. It was blatant. Judge Cindy Ermatinger did not dispose of judicial matters promptly, efficiently, and fairly; she ignored all of William M. Windsor's filings. Judge Cindy Ermatinger received information clearly establishing that Ellis County Texas District Attorney Patrick Wilson and Assistant Ellis County Texas District Attorney Ann

Montgomery-Moran committed many violations of the Texas Disciplinary Rules of Professional Conduct, and she did nothing. She has received motions for sanctions and criminal charges, and she has done nothing. Judge Cindy Ermatinger has knowledge that these lawyers have committed violations of the Texas Disciplinary Rules of Professional Conduct that raise substantial questions as to the lawyers' honesty, trustworthiness, and fitness as a lawyer, and she did nothing. They are her co-conspirators, her partners in a criminal racketeering operation, so she couldn't report them, and they couldn't report her.

#### **SEVENTH GROUNDS FOR RECUSAL:**

**Canon 3 of the Texas Code of Judicial Conduct requires Judge Cindy Ermatinger to disqualify herself as she has personal knowledge of disputed evidentiary facts concerning the proceeding.**

82. Canon 3, Section C, of the Code of Judicial Conduct. Section C requires a judge to disqualify himself if his "impartiality might reasonably be questioned,... including instances where the judge has... personal knowledge of disputed evidentiary facts concerning the proceeding." (*Alfred Lee Sanders v. State of Texas*, 649 S.W.2d 59 (10/14/82).)

#### **EIGHTH GROUNDS FOR RECUSAL:**

**Judge Cindy Ermatinger has violated Canon 3 of the Texas Code of Judicial Conduct by failing to comply with the Code of Judicial Conduct.**

83. What a joke. She has committed one violation after another. Ellis

County is a cesspool of corruption in the courts and law enforcement.

**NINTH GROUNDS FOR RECUSAL:**

**Judge Cindy Ermatinger should be removed from office or otherwise disciplined for willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, and willful and persistent conduct that is clearly inconsistent with the proper performance of her duties and casts public discredit upon the judiciary and the administration of justice.**

84. Judge Cindy Ermatinger must be disqualified from hearing the case under Article V, Section 1-a(6)(A) of the Texas Constitution. It provides for removing judges from office or otherwise disciplining them for "willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice." (*Torres v. State*, 424 S.W.3d 245 (Tex.App. Dist.14 02/20/2014).)

**TENTH GROUNDS FOR RECUSAL:**

**Judge Cindy Ermatinger will be called as a witness at trial, and this is a violation on Constitutional rights to due process and a fair trial.**

85. Judge Cindy Ermatinger is William M. Windsor's star witness in this matter.

“When a judge is called as a witness in a case in which he or she is presiding, there is an appearance of impropriety as well as the danger of a loss of impartiality: A judge may assume the witness chair like anyone else, but he does not so easily lay aside robe and gavel. His testimony . . . may appear to be more than mere opinion and may be mistaken for a judicial pronouncement. . . . Moreover, when a judge testifies as a witness, a lawyer who regularly appears before the judge may be placed in the awkward position of cross-examining the judge. That is, the relationship that develops between a judge and the lawyer who cross-examines him may influence the judge's conduct or judgment in other cases in which the attorney must appear before the judge. . . . Not only are jurors likely to be influenced in their decision by the testimony of a judge on one party's behalf, they will see a judge appearing to take sides. The entrance of a judge into the litigation arena in aid of a combatant impacts not only the outcome of that conflict but the very idea of judicial impartiality.” (*Joachim v. Chambers*, 815 S.W.2d 234, 237-39 (Tex. 1991).)

86. Judge Cindy Ermatinger must recuse herself or disqualify herself.

[United States Constitution, Fifth Amendment, and Fourteenth Amendment.]

### CONCLUSION

87. This is a case in which the State of Texas has used a fraudulent bond, and Judge Cindy Ermatinger knows it. Judge Cindy Ermatinger has conspired with Ellis County District Attorney Patrick Wilson and Assistant Ellis County District Attorney Ann Montgomery-Moran. The fraudulent bond has been used in multiple filings with complete knowledge that the document is a fraud.

88. The actions of Ellis County Texas District Attorney Patrick Wilson, Assistant Ellis County District Attorney Ann Montgomery-Moran, and Judge Cindy Ermatinger caused William M. Windsor to be wrongfully 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 626 days and counting. Judge Cindy Ermatinger conspired with Ellis County District Attorney Patrick Wilson and Assistant Ellis County District Attorney Ann Montgomery-Moran.

89. Judge Cindy Ermatinger is a witness in this case. She has personal knowledge of disputed evidentiary facts concerning the proceeding. To say that Judge Cindy Ermatinger's impartiality might reasonably be questioned is a gross understatement. Judge Cindy Ermatinger has a personal bias or prejudice concerning the subject matter and William M. Windsor.

90. Judge Cindy Ermatinger has violated numerous laws and numerous provisions of the Texas Code of Judicial Conduct. She is allowing documents that she knows are fraudulent to be used by the State.

91. William M. Windsor is also filing criminal complaints against Judge Cindy Ermatinger.

### **PRAYER**

92. William M. Windsor prays that this Motion is granted; that Judge Cindy Ermatinger will recuse herself; that a hearing on this Motion will be held only by telephone as William M. Windsor cannot appear in person; and for such

other relief as the Court finds appropriate.

Submitted this 30th day September 2016,



William M. Windsor

**VERIFICATION**

I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 30th day September 2016,

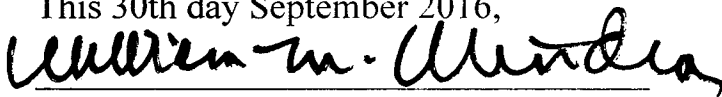


William M. Windsor

**CERTIFICATE OF SERVICE**

William M. Windsor has sent a copy of this Second Motion for Recusal of Judge Cindy Ermatinger by email to Ellis County District Attorney Patrick Wilson, 109 S. Jackson Street, Waxahachie, Texas 75165, [patrick.wilson@co.ellis.tx.us](mailto:patrick.wilson@co.ellis.tx.us) and Assistant Ellis County District Attorney Ms. M. Ann Montgomery-Moran, 109 S. Jackson Street, Waxahachie, Texas 75165, [ann.montgomery@co.ellis.tx.us](mailto:ann.montgomery@co.ellis.tx.us).

This 30th day September 2016,



William M. Windsor

PO Box 1060, Wildwood, Florida 34785 \* [bill@billwindsor.com](mailto:bill@billwindsor.com) \* 770-578-1094