

THE STATE OF TEXAS

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IN THE DISTRICT COURT

MELANIE REED
COURT CLERK
ELLIS COUNTY, TX

VS.

OF ELLIS COUNTY TEXAS

JOHN ERIC ARMSTRONG

443rd JUDICIAL DISTRICT

APPLICATION FOR DEPOSITION OF WITNESS JOHNNY REECE
AND AFFIDAVIT IN SUPPORT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW THE DEFENDANT, John Eric Armstrong (“Armstrong” or “I”) and hereby files this Application for Deposition of Witness Johnny Reece (“Reece”) and Affidavit in Support, pursuant to Texas Code of Criminal Procedure Article 39.02.

1. Article 39.02 authorizes depositions of witnesses. When a party desires to take the deposition of a witness, the party shall file with the clerk of the court in which the case is pending an affidavit stating the facts necessary to constitute a good reason for taking the witness’ deposition and an application to take the deposition.

2. On the filing of the affidavit and application, and after notice to the opposing party, the court shall hear the application and determine if good reason exists for taking the deposition. The court shall base its determination and shall grant or deny the application on the facts made known at the hearing. This provision is limited to the purposes stated in Article 39.01.

3. Armstrong intends to use the deposition at trial and in motions and petitions, subject to all legal objections.

FACTS NECESSARY TO CONSTITUTE A GOOD REASON FOR THE DEPOSITION

4. As I was walking away from the rental home of Lauren Kersh on 6/9/2019, the door opened, and Kersh ordered me back to her front porch with a gun in her hand saying, “hey dude, come back.” I could not hear any male voices. Were Johnny Reece (“Reece”) or Patrick Wilson (“Wilson”) there?

5. On 10/30/2019, Reece signed a sworn complaint in Cause 1911870 saying “he has good reason to believe and does believe and charge that heretofore on or about the **9th day of June, 2019**, and before the making and filing of this complaint, in the County of Ellis and the State of Texas, one **JOHN ERIC ARMSTRONG**, did then and there intentionally or knowingly enter property of another, namely, Stephanie Kersb, without the effective consent of the said Stephanie Kersb, and the said defendant had notice that the entry was forbidden.”

6. These sworn affidavits are false. Reece and Wilson committed crimes by signing these. There is no Stephanie Kersb. All the videos of my investigation show that Reece and Wilson were never involved in anything. My statements to Jerry Whitt and Mike McKenna make it clear that I was never given notice that knocking on the door at anyone’s rental home was forbidden. There was no criminal trespassing as I did not violate any law.

7. Is there a Stephanie Kersb?

8. What is your occupation?

9. What work have you done for the ^{J&A} District Attorney Ellis County Sheriff’s Office?

10. Are you someone who would sign anything requested from you?

11. How did you come about to sign this 10/30/2019 sworn complaint in Cause 1911870?

12. How did you determine the accuracy of this?

13. How many current or past inmates in Ellis County had affidavits signed by you?

14. Have you handled other matters in the same way?

15. On 11/1/2019, a Complaint and Information was filed in County Court at Law No. 2, Cause 1911870. It says "Criminal Trespass" and "6/9/2019" as Date of Offense. The 11/1/2019 Complaint and Information have Johnny Reece ("Reece") and Patrick Wilson ("Wilson") claiming I committed criminal trespassing on 6/9/2019. How did you know that?

16. On 1/9/2020, Cause 1911870 is dismissed and the case was transferred to Cause No. 45576CR. Why was no arrest made for this complaint? Why is there no affidavit of probable cause for this complaint?

17. How can this be the Complaint and Information in Cause 45576CR since this case purportedly charges me with Stalking? I need Reece to identify the legal authority, Rules, Statutes, and Case Law that permit this.

18. There was an Emergency Protective Order in place for 91 days. It expired on or about 10/9/2019. What legal basis did Justice of the Peace Chris Macon have to issue it? There was no family relationship and no violence by me. There was no stalking. I did not have a weapon, and the videos establish that the only threat of serious bodily injury was to me by Kersh. Macon issued it for a period of time only allowed if I had used a weapon. I am charged with stalking, but the Complaint and Information charged criminal trespassing against an unidentified person named Kersb. The Complaint and Information are frauds by Reece and Wilson who knew nothing about any of this. I need to explore this.

19. 45576CR DOCKET 16 is Wilson's "STATE'S MOTION TO SET BOND AND IMPOSE BOND CONDITIONS"). It claims the case is about a 7/9/2019 arrest "for the offense

of stalking.” It says “The defendant is currently without a bond and bond conditions.” How did he get out of jail?

20. Doesn't the Complaint and Information make this case about alleged Criminal Trespassing?

21. Wilson has been accused of being a liar by a number of people, and I need a deposition to explore his history of lies, fabrications, and distortions. I need to explore what Reece knows.

22. Wilson is no longer the District Attorney, and upon information and belief, this was part of an agreement to avoid criminal prosecution for some of his wrongdoing. I need to explore what Reece knows.

23. Who knows why Wilson is no longer the District Attorney?

24. I believe Reece had no personal knowledge of anything in this case, and I need to explore that.

25. Reece is supposed to know the law. I want to explore the laws on Emergency Protective Orders, Criminal Trespassing, Stalking, Assault, Aggravated Assault, Perjury, Aggravated Perjury, False Reports to Law Enforcement and Jailers, Harassment, Brandishing a Firearm, and bringing false criminal complaints against innocent people.

26. I need to explore Reece's involvement with Wilson.

27. Who typed the Complaint and Information you signed?

28. How often did Reece meet with or talk with Stephanie Kersb or Lauren Kersh?
When and where?

29. I need to explore whether Reece types by touch with all his fingers.

30. I need to ask Reece what information he has that I am a family member of Stephanie Kersb or Lauren Kersh.
31. I need Reece to explain how I committed criminal trespassing.
32. I need Reece to explain how I committed Family Violence.
33. Has Reece been intimate with Stephanie Kersb or Lauren Kersh?
34. Has Reece seen the pornographic movie in which Lauren Kersh performed?
35. Did I ever threaten bodily injury or death for Stephanie Kersb or Lauren Kersh or a member of their family or household or for an individual with whom they had a dating relationship?
36. How well does Reece know Lauren Kersh's brother, Joe Fitzgerald?
37. Did Stephanie Kersb or Lauren Kersh fear bodily injury or death by me?
38. Did I ever do anything with intent to harass, annoy, alarm, abuse, torment, or embarrass Stephanie Kersb or Lauren Kersh? If so, what? How does Reece know?
39. Did I ever initiate communications with Stephanie Kersb or Lauren Kersh and in the course of the communication make a comment, request, suggestion, or proposal that was obscene? How does Reece know?
40. Did I ever ask questions about Lauren Kersh's participation in a porn movie? How does Reece know?
41. Did I ever threaten, in a manner reasonably likely to alarm Stephanie Kersb or Lauren Kersh, to inflict bodily injury or to commit a felony against Stephanie Kersb or Lauren Kersh, a member of their family or household, or their property? How does Reece know?
42. Did Reece submit an affidavit or any documents to a Grand Jury regarding me?

43. Did I ever convey, in a manner reasonably likely to alarm Stephanie Kersb or Lauren Kersh, a false report, which I knew to be false, that another person had suffered death or serious bodily injury? How does Reece know?

44. Did I ever cause the telephone of Stephanie Kersb or Lauren Kersh to ring repeatedly or make repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend? How does Reece know?

45. Did I ever make a telephone call to Stephanie Kersb or Lauren Kersh and intentionally fail to hang up or disengage the connection? How does Reece know?

46. Did I ever knowingly permit a telephone under my control to be used by another to commit an offense against Stephanie Kersb or Lauren Kersh? How does Reece know?

47. Did I ever send repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend Stephanie Kersb or Lauren Kersh? How does Reece know?

48. What evidence does Reece have or know of that I ever committed an offense?

49. Did I ever do anything that constitutes an offense under Texas Penal Code 47.02?

50. Does Texas Penal Code, 37.03 make it a Third-Degree Felony offense to knowingly or intentionally make false statements about material facts in an official proceeding? Has Reece committed this felony?

51. How long has Reece known Stephanie Kersb or Lauren Kersh? When and where did he meet them?

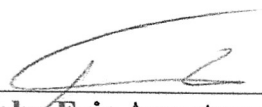
52. What did Stephanie Kersb or Lauren Kersh tell Reece about me when you met?

53. I have to be able to disprove her claims and the elements of the various crimes I have been charged with.

54. I have not had access to the evidence in this case while incarcerated, so I may have additional areas of inquiry after I review evidence.

55. I ask this Court to grant this Application and authorize a deposition of Reece.

This 27 day of July, 2021,



John Eric Armstrong


K-Tank - 1642-20

W.M.D.C., 300 S Jackson, Waxahachie, TX 75165

DECLARATION

My name is John Eric Armstrong. My date of birth is October 31, 1981, and my inmate identifying number is 1642-20. I am presently incarcerated in W.M.D.C., 300 S Jackson, Waxahachie, TX 75165. I declare under penalty of perjury that the foregoing is true and correct and based upon my personal knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters, I believe them to be true.

Executed in Ellis County, State of Texas, on the 27 day of July, 2021.



John Eric Armstrong

K-Tank

1642-20

W.M.D.C.

300 S Jackson

Waxahachie, TX 75165

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed to the
Prosecuting Attorney in Ellis County, Texas.

This 2nd day of ~~July~~^{Aug.} 2021,



John Eric Armstrong