

EXHIBIT

2823

CASE NO. 6D23-2220

**IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
FIFTH DISTRICT**

CASE NO. 2018-CA-010270-O

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY, FLORIDA

William M. Windsor,

Appellant

v.

ROBERT KEITH LONGEST, an individual, and BOISE CASCADE
BUILDING MATERIALS DISTRIBUTION, L.L.C., a Foreign Limited
Liability Company,

Appellees.

APPELLANT'S BRIEF OF WILLIAM M. WINDSOR

William M. Windsor, Not Represented

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INTRODUCTION

1. Pursuant to Florida Rules of Appellate Procedure Rule 9.100 and this Court's Inherent Power, Appellant, WILLIAM M. WINDSOR ("Windsor"), respectfully appeals to this Court in the matter of WILLIAM M. WINDSOR vs. ROBERT KEITH LONGEST ("Longest") and BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C. ("Boise Cascade") in Case No. 2018-CA-010270-O.

2. APPENDIX 1 is the 02/21/2023 Order ("APPEALED ORDER") "revoking Plaintiff's right to self-representation." It was entered sua sponte without notice or an opportunity to be heard. It must be reversed, and Windsor must not be denied any rights in representation and filing.

3. The nature of the APPEALED ORDER is a nonfinal order that indicates Windsor, the Plaintiff in Case No. 2018-CA-010270-O, has no right to have representation in the case.

4. The APPEALED ORDER was apparently issued in an effort to head off the Third Motion to Disqualify [APPENDIX 120]; the Affidavit of Prejudice [APPENDIX 121]; and the Certificate of Good Faith [APPENDIX 116.] Judge Jeffrey L. Ashton must be

replaced as judge, preferably with an honest judge from outside Central Florida.

5. This APPEAL enables this Court to determine that the lower tribunal has departed from the essential requirements of law when there is no other means of appeal. It allows this Court to recognize that the lower tribunal is not handling the proceedings in a regular way and according to the law.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

6. On 05/05/2017, Windsor was hit by an 18-wheeler at 70-miles-per-hour. His car was totaled, and he was disabled. Windsor was diagnosed with four herniated discs in his back, five herniated discs in his neck, and an allegedly inoperable abdominal injury, Diastasis Recti.

7. Two MRIs taken on 03/31/2023 reveal that Windsor's injuries have progressed as there has been no medical treatment. He now has three Herniated Discs in his back, five Herniated Discs in his neck, ten Disc Bulges, and a Diastasis Recti abdominal

injury. On 12/26/2022, Windsor lost the use of his left hand when a fall aggravated the injuries from the accident six years before.

8. Windsor is in constant pain. He can barely walk with assistance. He has no balance. He has fallen many times. He uses a walker and a cane, but he cannot go more than 30-feet without needing to rest.

9. He has extreme difficulty sleeping and never more than a few hours at a time. He has lost 12 teeth and was recently told all remaining teeth must be extracted. This has been caused by medication Windsor has to take for anxiety due to the accident and the aftermath.

10. Windsor's only hope for some relief will come from Case # 2018-CA-010270-O as his personal insurance coverage ran out long ago. Medicare will not provide coverage while the lawsuit is pending. Windsor's quality of life was ruined by the Defendants. [APPENDICES 104, 105, 106, 107, 108, 109, 110, 111, 112, 118, and 119.]

11. This case was instituted in the Ninth Judicial Circuit in Orange County, Florida on 09/20/2018. It was filed by Dan Newlin & Partners ("Newlin"). [APPENDIX 94, P.1.] The filing fee was paid.

[APPENDIX 94, P.2.] The case was assigned to Judge Lisa T. Munyon.

12. This case is about auto negligence, dishonesty, abuse, corruption, and the destruction of Windsor's health and life.

13. Windsor fell on 12/26/2022 and has lost the use of his left hand. On 03/31/2023, he had MRIs for his cervical spine and lumbar spine. [APPENDIX 118.] [APPENDIX 119.] A Brain MRI is pending.

14. The Reports show significant disc herniation and Disc Bulges. Windsor compared the 2020 Cervical MRI with this new 2023 Cervical MRI. In 2020, he had two Disc Bulges in his cervical spine (neck). These have increased in size in three years, and there are four more Disc Bulges now. In April 2023, Windsor has six (6) Disc Bulges in his neck -- his entire neck. -- C2-C3, C3-C4, C4-C5, C5-C6, C6-C7, and C7-T1. [APPENDIX 118.] [APPENDIX 119.] There is loss of the normal lordotic curvature of the cervical spine. This may reflect injury, and Windsor believes this may be part of the reason for the all-caps "URGENT / SIGNIFICANT FINDING NOTIFICATION." [APPENDIX 118, P.2, ¶11.]

15. Expert Radiology has initiated direct communication with the office of Dr. Roderick Claybrooks via telephone. [APPENDIX 118, P.2, ¶11.]

16. With a dozen or so scans over the last six years, this URGENT message is a first.

17. Windsor's 03/31/2023 MRI of his Lumbar Spine indicates five (5) Herniated Discs, one of which is new. Worsening of left neural foraminal narrowing at L2-L3. Six (6) Disc Bulges. The surgeon will explain this week what should be done about the moderate-to-severe neural foraminal narrowing highlighted in the MRI Report. USA Spine Care & Orthopedics indicates that this is narrowing of the openings next to vertebrae that allow the nerve roots to exit the spinal canal. This is frequently caused by injury. Cleveland Clinic calls this Foraminal Stenosis. "Foraminal Stenosis can put pressure on affected nerves. Eventually, that can affect signals traveling through the nerve and cause nerve pain, and sometimes, permanent nerve damage."

Windsor has all the symptoms – pain, Paresthesia (pins and needles), numbness, muscle weakness, and loss of muscle control.

18. Windsor sees Dr. Roderick Claybrooks, the surgeon at Biospine, on 04/11/2023. He recommended surgery on 03/11/2020, but Windsor could not afford it, and insurance would not cover it while the trial was pending.

19. The new Radiologist, Dr. Avery Knapp, has requested a Thoracic MRI. The thoracic spine is that portion of the spine that is below the neck and above the low back.

20. Windsor's quality of life was ruined by the Defendants. He has no life now other than trying to obtain medical and financial relief in this matter.

21. Jerome Wilt was an eyewitness who called 911 on 05/05/2017. He was the only eyewitness other than Windsor because the trucker, Longest, has sworn he saw nothing.
[APPENDIX 87, P.19 Lines 9-25, P.20, Lines 1-6; P.21, Lines 23-25; P.22, Lines 1-2.]

22. On 01/04/2023, Jerome Wilt testified at his deposition that he saw the 18-wheeler (semi) cause the accident, and he was afraid Windsor was seriously injured. He described how the semi

crashed into Windsor's lane, lifted all four wheels of his little convertible off the ground, and spun him around 180-degrees. [APPENDIX 86, P.8 Lines 7-14; P.23 Lines 4-25; P.24 Lines 1-15; P.32 Lines 11-25; P.33 Lines 1-25; P.34 lines 1-25; P.35 Lines 1-25, P.36 Lines 1-24; P.43 Lines 7-25; P.42 Lines 1, 16-25; P.43 Lines 1-8; P.46 Lines 8-25, P.47 Lines 1-4, 20-24.]

23. On 03/19/2020, Newlin was terminated by Windsor. [APPENDIX 11.] This was because Windsor was completely unhappy with their work and lack of work.

24. Windsor began representing himself pro se. He is not an attorney, but he has independently studied law and has represented himself in various actions for over 20 years, including several petitions to the United States Supreme Court.

25. When Windsor obtained the files from Newlin, he discovered that Newlin had done an even worse job than he had anticipated. He began work on problems with motions to compel interrogatories, compel production, and objections to admissions. The DOCKET shows this work. [APPENDIX 122.]

26. The Defendants responded by filing one of the most frivolous motions in the history of Florida civil courts. Defendants'

Emergency Motion Requesting the Court Determine if Plaintiff William Windsor is Mentally Competent to Represent Himself was filed 07/20/2020. [APPENDIX 20.] There is no such cause of action. Windsor used to have a genius level IQ, but he's now 74 and the last six years has been devastating. He absolutely has Cognitive Decline, and unlike the President of the United States, he does admit it.

27. Defendants' Comprehensive Motion for Protective Order on All Discovery Pending Determination of Competency and Dismissal was filed 08/04/2020. [APPENDIX 29.] There was no legal basis whatsoever for the motion to dismiss. The Defendants filed it to defame Windsor with the Court and to make sure Judge John Marshall Kest was aware that Windsor had been a leading activist on judicial corruption. This established extrajudicial bias against Windsor, someone who would fight dishonest and corrupt judges until the cows come home.

28. The Defendants have filed over a dozen requests to dismiss the case – all baseless, yet the judges have let them get away with it. [APPENDIX 122.]

29. The Notice of Appearance of Scott Astrin was filed on 08/19/2020. [APPENDIX 32.] He had been functioning in the case without this essential prerequisite.

30. From the early days in the case, the Defendants have violated statutes, codes, and rules. Each of the judges involved in the case has allowed them to do so with no action taken against them. Windsor knew he was dealing with a corrupt group of judges and extremely dishonest attorneys. But he never dreamed until recently that they would get away with stealing his life.

31. Windsor filed motions for sanctions with law and evidence galore, and the judges ignored it and then claimed Windsor violated the rules.

32. Plaintiff Windsor's Motions for Reconsideration of Order on Motion for Sanctions Against the Defendants, Robert Keith Longest and Boise Cascade, for Fraud on the Court were filed on 08/23/2020. [APPENDIX 35.] [APPENDIX 36.]

33. Windsor's Response to Motion for Competency, Motion to Strike, and Motion for Sanctions was filed on 08/25/2020. [APPENDIX 38.]

34. On 08/25/2020, Windsor filed a Motion to Disqualify Judge Lisa T. Munyon. The Order Granting Windsor's Motion to Disqualify Judge Lisa T. Munyon was filed on 08/25/2020.

[APPENDIX 39.]

35. On 08/25/2020, Judge John Marshall Kest ("Judge Kest") was named to replace Judge Lisa T. Munyon.

36. APPENDIX 96 contains the Third Amended Complaint approved by Judge John Marshall Kest. It has causes of action against each Defendant for Negligence and for Intentional Infliction of Emotional Distress. [APPENDIX 96, EXHIBIT 3, PP.12-14.]

Windsor has filed a Motion for Partial Summary Judgment on the issue of liability for Negligence. [APPENDIX 97.]

37. Judge Jeffrey L. Ashton became the judge in January 2021. [APPENDIX 94, P.1.] He demonstrated complete bias against Windsor from his first involvement in the case.

38. On 01/27/2021, Windsor filed an Emergency Motion for Stay and/or Continuance until the Fifth District ruled on the Petition for Writ of Prohibition. [APPENDIX 70.]

39. On 01/28/2021, Judge Jeffrey L. Ashton denied Windsor's Emergency Motion for Stay and/or Continuance claiming

it was moot, which it was not. [APPENDIX 71.] Judge Jeffrey L. Ashton either didn't read Windsor's Motion or didn't care, or both.

40. On 01/27/2021, Judge Jeffrey L. Ashton's Judicial Assistant, Keitra Davis, emailed Windsor for the first time to introduce herself. She stated that "Hearing Notebooks, memorandums, and case law must be provided at least five (5) business days prior to the hearing." The hearing was only four (4) business days away, so Windsor requested that the 02/02/2021 hearing be reset for another date as the documentation could not be timely submitted. This was indicated as the necessary procedure in the email from Keitra Davis. There was no response to this Request or Windsor's emails. Windsor filed a Request for Cancellation of Hearing. [APPENDIX 72.]

41. On 01/28/2021, Windsor filed a Motion for Reconsideration of his Emergency Motion for Stay and/or Continuance. [APPENDIX 73.] There was no response to this Motion or Windsor's emails. Windsor's motions and emails were routinely ignored.

42. On 01/30/2021, Windsor filed a Second Emergency Motion for Stay and/or Continuance. [APPENDIX 74.] Windsor

presented some medical history regarding his eyes and explained that he was seeing ghosts, perhaps caused by his vaccination for COVID-19 or by a detached retina. Windsor spent all day on 02/02/2021 with doctors, and he was unable to attend the hearing. Eight hours were spent while admitted to Advent Health Waterman in Tavares, Florida. The doctors did not find a detached retina or anything wrong with Windsor's eyes except significantly elevated pressure on the optic nerve from Glaucoma. Windsor then spent an hour on the phone with Moderna to explain what had happened. It seemed "hallucinations" could be a COVID-19 vaccination side effect.

43. On 02/01/2021, Windsor filed a Motion to Disqualify Judge Jeffrey L. Ashton. [APPENDIX 66.] It included Windsor's Affidavit of Prejudice of Judge Jeffrey L. Ashton [APPENDIX 67] and a Certificate of Good Faith [APPENDIX 68]. It was denied on totally bogus grounds. This Court is asked to review APPENDIX 67.

44. Judge Jeffrey L. Ashton denied Windsor's Amended Motion for Reconsideration of Orders of Judge John Marshall Kest in the Circuit Court at 10:13 a.m. on 02/01/2021. [APPENDIX 65.]

Evelyn Wood in her prime could not have read the documents in three-hours-and-thirty-nine-minutes.

45. On 02/01/2021, Judge Jeffrey L. Ashton denied the motion for stay without explanation. [APPENDIX 75.]

46. Judge Jeffrey L. Ashton denied Windsor's Motion to Disqualify Judge Jeffrey L. Ashton on 02/02/2021. [APPENDIX 69.]

47. On 02/02/2021, Judge Jeffrey L. Ashton purportedly conducted a hearing without Windsor. [APPENDIX 77.] Windsor was denied the opportunity to defend himself and to show that the attorneys for the Defendants had likely committed fraud upon the court with their outrageous request for attorney's fees. Windsor was denied the right to examine the attorneys for the Defendants, and he was denied the right to question the fantasy of the billing records. The "Minutes" indicate that there was no testimony, and there was no evidence presented. Attorney Scott L. Astrin filed an affidavit claiming his request for \$2,500 was due to time expended to prepare responsive pleadings to address each motion filed by the Plaintiff. He said "numerous motions." But Judge John Marshall Kest only awarded attorney's fees on two motions to compel. Judge

Jeffrey L. Ashton allowed Scott L. Astrin to inflate the bill, and he did not have to provide any proof.

48. On 04/01/2021, Windsor filed a second Motion to Disqualify Judge Jeffrey L. Ashton. [APPENDIX 125.] Windsor filed an Affidavit of Prejudice [APPENDIX 126] and a Certificate of Good Faith. APPENDIX 125 is file-stamped by the Clerk of Court, but note on the Docket [APPENDIX 122] that Judge Jeffrey L. Ashton had these filings removed from the court's DOCKET. This is a crime - Florida Criminal Statute 839.13. Complete evidence was provided to the Orange County Sheriff's Department on 3/10/2023, and a case was opened.

49. On 09/08/2021, Windsor filed Chapter 13 bankruptcy. [APPENDIX 94, 09/08/2021.] Judge Lisa T. Munyon, Judge John Marshall Kest, Judge Jeffrey L. Ashton, and the Defendants and their attorneys are responsible for this bankruptcy. If it was not for their dishonesty and corruption, Windsor would have received enough money from this case to avoid the costs and stigma of bankruptcy.

50. On 08/10/2022, the bankruptcy court lifted the stay to allow Windsor to pursue this case as his plan is to pay all debts in full with recovery from this lawsuit. [APPENDIX 88, P.1.]

51. Judge Jeffrey L. Ashton unlawfully entered an order requiring Windsor to have his pleadings checked and certified by an attorney in good standing with the Florida Bar. There was no basis for this. His outlandish claim was that filing evidence was objectionable.

52. Windsor tried unsuccessfully for many months to find an attorney to represent him in 2018-CA-010270-O. Then he tried for months to find an attorney who would review and sign his pleadings at low cost, and no one would. He even ran ads on Craigslist. [APPENDIX 99.]

53. On 12/15/2022, Windsor's bankruptcy attorney very reluctantly agreed to review and sign to approve his filings at no charge.

54. On 01/10/2023, Windsor had his Application for Indigent Status approved by the Orange County Clerk. [APPENDIX 89.]

55. On 01/17/2023, the Defendants' new attorney and November law school graduate, Jonathan Blake Mansker, called Windsor's Bankruptcy attorney and informed him that he would pursue sanctions and charges against him if he continued to sign Windsor's pleadings. [APPENDIX 95.]

56. On 02/10/2023, the Defendants' attorney, Jonathan Blake Mansker, filed Defendants' Amended Motion to Strike Improperly Named Individuals from Plaintiff's Witness List and Motion for Sanctions Against Both Plaintiff, William Windsor, and Attorney Jeffrey L. Badgley for Continuing to File Frivolous and Repetitive Filings. [APPENDIX 122, P.3.] [APPENDIX 100.] There was nothing frivolous or repetitive. Court-ordered filing of Witness Lists and Exhibits had to be amended as changes were made. Nothing in the Uniform Order for Setting Case for Jury Trial placed any restrictions other than a deadline, which Windsor met. [APPENDIX 127.] The judges and attorneys identified as witnesses are witnesses to Intentional Infliction of Emotional Distress.

57. On many occasions, Windsor informed Judge Jeffrey L. Ashton that he was in bankruptcy and could not afford an attorney. Judge Jeffrey L. Ashton was well aware of the bankruptcy filing, the

stay, and Windsor's approval as Indigent by the Orange County Clerk of Court. [APPENDIX 89.]

58. On 02/21/2023, Judge Jeffrey L. Ashton entered a sua sponte order REVOKING Windsor's right of self-representation ("REVOCATION ORDER"). [APPENDIX 1.] OUTRAGEOUS!

59. On 02/24/2023, Windsor filed a Complaint Against Judge Jeffrey L. Ashton with the State of Florida Judicial Qualifications Commission. There is no copy in the APPENDIX as the Commission requires confidentiality. [APPENDIX 128.]

60. On 02/28/2023, Windsor terminated his bankruptcy attorney, Jeffrey Badgley, because he refused to sign documents after he was threatened on 01/17/2023 by the Defendants' attorney, Jonathan Blake Mansker, and Mansker filed charges against him. [APPENDIX 95.] [APPENDIX 100.] [APPENDIX 122, P.3.] Windsor had prepaid Jeffrey Badgley in 2018, and he cannot afford an attorney. He has to represent himself in bankruptcy court. [APPENDIX 90.]

61. On 03/08/2023, Windsor discovered evidence of a crime by Judge Jeffrey L. Ashton. On 4/1/2021 at 05-29-58-AM, Windsor had filed his second written effort to get Judge Jeffrey L.

Ashton removed. [APPENDIX 125.] It was in his EXHIBITS folder, so it took just a second to find it after days of indexing all of his files for search in File Explorer. Windsor never deletes email, so he realized he needed to see if he still had emails from 4/1/2021. He found the Orange County Clerk's Proof of Filing and Service, filed 4/1/2021 at 05-30 AM. [APPENDIX 131.] Next, he needed to see it on the DOCKET! So, he went to the Clerk's website and discovered it was NOT ON THE DOCKET. [APPENDIX 94.] Fortunately, Windsor learned years ago that corrupt judges and corrupt court clerks delete docket entries that are problematic for judges and beneficial to disfavored litigants. Windsor has a 2021 pdf of the Docket when it showed that filing! [APPENDIX 132, 04/01/2021.]

62. Judge Jeffrey L. Ashton is dishonest. He stole or had someone steal those documents. He has obstructed justice. His dishonesty is well-known. This man is married to a brunette and has six children from three marriages. He lied in the Ashley Madison sex scandal and concealed his involvement seeking homosexual sex in a threesome with his redheaded girlfriend on AdultFriendFinder. Lord only knows what else he has done over the years.

63. On 03/10/2023, Windsor filed a criminal complaint against Judge Jeffrey L. Ashton with the Orange County Sheriff's Department, and a case was opened.

Florida Statutes 839.13 – Falsifying records

(1) Except as provided in subsection (2), **if any judge**, justice, mayor, alderman, **clerk**, sheriff, coroner, or other public officer, or employee or agent of or contractor with a public agency, or any person whatsoever, **shall steal, embezzle, alter, corruptly withdraw, falsify or avoid any record, process, charter, gift, grant, conveyance, or contract, or any paper filed in any judicial proceeding in any court of this state**, or shall knowingly and willfully take off, discharge or conceal any issue, forfeited recognizance, or other forfeiture, or other paper above mentioned, or shall forge, deface, or falsify any document or instrument recorded, or filed in any court, or any registry, acknowledgment, or certificate, **or shall fraudulently alter, deface, or falsify any minutes, documents, books, or any proceedings whatever of or belonging to any public office within this state; or if any person shall cause or procure any of the offenses aforesaid to be committed, or be in anywise concerned therein, the person so offending shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.**

64. On 03/20/2023 at 2:47 p.m., Windsor, a Party, filed a Motion to Disqualify Judge Jeffrey L. Ashton [APPENDIX 121]. On 03/20/2023 at 2:48 p.m., Windsor, a Party, filed an Affidavit of Prejudice of Judge Jeffrey L. Ashton [APPENDIX 120]. These were both file-stamped and docketed by Tiffany Moore Russell, the Clerk

of Court. [APPENDIX 122 - DOCKET, P.2.] Windsor sent them directly to her by United States Postal Service since he was being blocked from filing.

65. On 04/01/2023, Windsor filed a Motion for Extension of Time to file Appellant's Brief. [APPENDIX 129.] Windsor was not extended the courtesy of a response. Windsor considers this yet another a violation of his rights to due process. [APPENDIX 130.] There is nothing whatsoever fair about ignoring an emergency motion.

SUMMARY OF ARGUMENTS

66. There is no legal basis for a judge to deny a party's right to represent himself. The APPEALED ORDER simply has no basis in law, and the legal authority cited by Judge Jeffrey L. Ashton would be laughable if this was not such a serious matter. Judge Jeffrey L. Ashton either doesn't understand due process or feigns ignorance in this outrageous order. Judge Jeffrey L. Ashton is terminally biased against Windsor. There are at least eight reasons why the APPEALED ORDER must be overturned, but one is

enough: THERE IS NO LEGAL BASIS FOR THIS APPEALED ORDER.

ARGUMENTS

ARGUMENT #1 – THERE IS NO CONSTITUTIONAL PROVISION OR FLORIDA STATUTE TO ALLOW A JUDGE TO DENY A PARTY’S RIGHT TO REPRESENT HIMSELF.

67. This is a pure legal issue to be reviewed “de novo.”

68. There is no legal authority for the APPEALED ORDER.

69. **This Court is obligated to grant this appeal and vacate the orders of Judge Jeffrey L. Ashton.**

ARGUMENT #2 – THERE IS NO LEGAL AUTHORITY TO REVOKE PLAINTIFF WINDSOR’S RIGHT OF SELF-REPRESENTATION.

70. This is a pure legal issue to be reviewed “de novo.”

71. There is no statute or rule to allow a judge to revoke a Plaintiff’s right to represent himself in a civil case.

72. But on 02/21/2023, Judge Jeffrey L. Ashton entered this REVOCATION ORDER [APPENDIX 1] without notice of any type:

**“ORDER REVOKING PLAINTIFF’S RIGHT TO SELF
REPRESENTATION**

“THIS MATTER comes before the Court, and the Court, having reviewed the file and being otherwise fully informed, finds as follows:

“Pursuant to the authority acknowledged in *Lowery v. Kaplan* 650 So. 2d 114 (4 DCA 1995) and *Rodriguez-Diaz v. Abate* 613 So. 2d 515 (3DCA 1993), Plaintiff’s Right of self-representation is hereby revoked. Plaintiff shall be given thirty days to obtain counsel.”

“...The clerk shall reject all pro-se filings by the Plaintiff
2) The Courts Judicial Assistant shall block all email communications from the Pro-Se Plaintiff. 3) Defendant need not respond to any communication from the Plaintiff. 4) Motion set for today are canceled, Defendant shall reset it’s motion, to dismiss no sooner than 45 days from the date of this order.

“DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, on 21st day of February 2023.

“Jeffrey L Ashton

“Circuit Judge” [APPENDIX 1, P.1.]

73. Judge Jeffrey L. Ashton cited his authority for this REVOCATION ORDER as *Lowery v. Kaplan* 650 So. 2d 114 (4 DCA 1995) and *Rodriguez-Diaz v. Abate* 613 So, 2d 515 (3DCA 1993).

Both of these cases involved criminals and indicate that notice and an opportunity to be heard are requirements. There was no notice or opportunity to be heard in this matter. “THIS MATTER” didn’t

“come before the Court.” This is a sua sponte order that should be considered void.

74. Windsor believes Judge Jeffrey L. Ashton may have a mental disorder that causes him to lie repeatedly.

75. *Lowery v. Kaplan* says:

“The petitioner’s response to the **show cause order** argues that his petitions cannot be deemed frivolous because they have all been dismissed for technical deficiencies so there has never been a ruling on the merits. The petitioner does not seem to understand that repeatedly filing petitions for relief which cannot be granted or making successive requests from a court that lacks jurisdiction to grant the relief he seeks, constitutes abusive and frivolous pleading practice just as surely as if his factual allegations were found to be without merit.

“The petitioner promises that he will not file frivolous petitions in the future if the court will just not take away his indigent status. Although he may be sincere, this is an empty promise. If he does not understand that his previous activities were so egregious as to constitute an abuse of this court, he cannot be expected to discriminate in the future between frivolous pleadings and those that may have merit. His “emergency” motion is a perfect example. The show cause order clearly stated that the current petition had been found to be frivolous. Nevertheless, he continues to argue not only that he was entitled to the relief requested but that he was entitled to obtain that relief immediately.

“The prospective denial of indigent status for his future pro se petitions will not affect his ability to seek the issuance of an extraordinary writ in connection with his current criminal prosecutions, since petitions may still be filed by his court-appointed counsel. Nor will he be precluded from filing a

pro se appeal of a judgment of conviction or an order denying him post-conviction relief.

“We conclude that the petitioner has failed to show cause why the sanction should not be imposed.”

“We therefore dismiss the petition as a sanction for abusive filings.” We further order the prospective denial of in forma pauperis status for future petitions for extraordinary writs unless they are presented by a member of the Florida Bar who represents appellant.” (*Lowery v. Kaplan*, 650 So.2d 114 (Fla. App. 1995).) [**emphasis added.**]

“The **petitioner’s response to the show cause order** argues that his petitions cannot be deemed frivolous because they have all been dismissed for technical deficiencies so there has never been a ruling on the merits. The petitioner does not seem to understand that repeatedly filing petitions for relief which cannot be granted or making successive requests from a court that lacks jurisdiction to grant the relief he seeks, constitutes abusive and frivolous pleading practice just as surely as if his factual allegations were found to be without merit.

“The petitioner promises that he will not file frivolous petitions in the future if the court will just not take away his indigent status. Although he may be sincere, this is an empty promise. If he does not understand that his previous activities were so egregious as to constitute an abuse of this court, he cannot be expected to discriminate in the future between frivolous pleadings and those that may have merit. His “emergency” motion is a perfect example. The show cause order clearly stated that the current petition had been found to be frivolous. Nevertheless, he continues to argue not only that he was entitled to the relief requested but that he was entitled to obtain that relief immediately.

76. *Rodriguez-Diaz v. Abate* says:

“Review is sought of an order which prohibits the appellant from representing himself as plaintiff in these actions for malicious prosecution, intentional infliction of emotional distress and harassment. **The trial court’s order on rule to show cause** is restated verbatim:

“THIS CAUSE having come on to be heard March 9, 1992 pursuant to the Rule to Show Cause issued February 12, 1992 and upon Plaintiff’s request for a hearing pursuant to F.S. 90.204 and the Court having taken testimony, reviewed the file and otherwise being fully advised in the premises, it is

“ORDERED AND ADJUDGED as follows:

“Mr. Diaz’s written and oral responses to the Rule to Show Cause evinces the necessity for the issuance of this Order.”

“ORDERED AND ADJUDGED as follows:

“(1) The **return to the Rule being insufficient to show cause** why the prohibiting features thereof should not be carried out, Omar Rodriguez-Diaz is hereby prohibited from henceforth representing himself as Plaintiff or Petitioner before the undersigned Judge in any pending or future matters assigned to its division.” (*Rodriguez-Diaz v. Abate*, 613 So.2d 515 (Fla. App. 1993).” [**emphasis added.**]

77. In the instant matter, there was neither notice nor an opportunity to be heard. There was no order to show cause.

[APPENDIX 122.]

78. Windsor believes Judge Jeffrey L. Ashton issued the REVOCATION ORDER because he saw that Windsor had

accumulated a massive pile of evidence against the Defendants and their attorneys. He knew Windsor could not afford an attorney, so this set him up for dismissal.

79. **This Court is obligated to grant this appeal and vacate the orders of Judge Jeffrey L. Ashton.**

**ARGUMENT #3 – THE APPEALED ORDER VIOLATES
FLORIDA STATUTE 38.10.**

80. Florida Statute 38.10 is the general disqualification statute in Florida.

“Florida Statute 38.10 Disqualification of judge for prejudice; application; affidavits; etc. — **Whenever a party to any action** or proceeding makes and **files an affidavit** stating fear that he or she will not receive a fair trial in the court where the suit is pending on account of the prejudice of the judge of that court against the applicant or in favor of the adverse party, **the judge shall proceed no further, but another judge shall be designated in the manner prescribed by the laws of this state for the substitution of judges** for the trial of causes in which the presiding judge is disqualified.” **[emphasis added.]**

81. Windsor is the Plaintiff, a party to the action. [APPENDIX 122 - DOCKET, P.1.] This complied with Florida Statute 38.10.

82. On 03/20/2023 at 2:48 p.m., Windsor, a Party, filed an Affidavit of Prejudice of Judge Jeffrey L. Ashton [APPENDIX 120]. This complied with Florida Statute 38.10.

83. The Affidavit was filed on 03/20/2023, but was not docketed until 03/21/2023. [APPENDIX 122 - DOCKET, P. 1.]

84. The AFFIDAVIT expresses fear that Windsor, a Party, will not receive a fair trial in the court where the suit is pending on account of the prejudice of the judge of that court against the applicant. [APPENDIX 120, P.43, ¶¶ 265-266; P.60, ¶378; P.64, ¶¶ 401-407.] This complied with Florida Statute 38.10.

85. There is nothing in Florida Statute 38.10 that requires a party to be represented by counsel. There is nothing in Florida Statute 38.10 that allows a judge to deny a party the right to seek this relief.

86. Windsor's motions have been premised on Florida Rules of Appellate Procedure Rule 2.330, Florida Statutes, and the Florida Code of Judicial Conduct, all of which require that a judge disqualify himself once a party has established a reasonable fear that he will not obtain a fair hearing. See Florida Rules of Judicial Administration 2.160; Fla. Stat. §§ 38.02, 38.10; Fla. Code Jud. Conduct, Canon 3-B (7) and E. 2 I.

87. Judge Jeffrey L. Ashton violated this law because he proceeded further in the case. The law provides that "...another

judge shall be designated in the manner prescribed by the laws of this state for the substitution of judges....” This was not done.

This Court is obligated to grant this appeal and vacate the orders of Judge Jeffrey L. Ashton

ARGUMENT #4 – THE CASES CITED BY JUDGE JEFFREY L. ASHTON DO NOT PROVIDE LEGAL AUTHORITY TO REVOKE WINDSOR’S RIGHT OF SELF-REPRESENTATION.

88. This is a pure legal issue to be reviewed “de novo.”

89. There is no statute or rule to allow a judge to revoke a Plaintiff’s right to represent himself in a civil case.

90. But on 02/21/2023, Judge Jeffrey L. Ashton entered this REVOCATION ORDER without notice of any type:

91. The REVOCATION ORDER has no legal authority.

92. The arbitrary and irrational exercise of power by Judge Jeffrey L. Ashton violated Windsor’s due process rights.

93. The rights of parties cannot be taken without notice and opportunity for hearing. The action by Judge Jeffrey L. Ashton was unreasonable and unjust. Windsor did nothing wrong. Judge Jeffrey L. Ashton’s purported complaint was that Windsor was filing

evidence after being denied an evidentiary hearing after the Defendants filed and submitted to the Court 275 pages of documents. [APPENDIX 122 - DOCKET, 02/10/2013.] If you cannot submit evidence at a hearing, then a sworn affidavit authenticating the exhibits is the only other option.

94. **This Court is obligated to grant this appeal and vacate the orders of Judge Jeffrey L. Ashton.**

ARGUMENT #5 – THERE IS NO LEGAL AUTHORITY TO DENY WINDSOR HIS RIGHT TO REPRESENT HIMSELF.

95. This is a pure legal issue to be reviewed by the “de novo” standard of review.

96. The United States Constitution, the Florida Constitution, and a massive amount of case law provide Windsor has the right to represent himself in court.

97. *The Florida Supreme Court* says this: **“A person should not be forced to have an attorney represent his legal interests if he does not consent to such representation. All citizens in our state are also guaranteed access to our courts by Article I,**

Section 21, Florida Constitution (1968).” [*Florida Bar v.*

Brumbaugh, 355 So.2d 1186 (Fla. 1978).] [**emphasis added.**]

98. Several courts have written: “The right to represent oneself in a civil proceeding is on a scale of importance equal to the right of trial by jury.”

99. American courts have secured the right to represent oneself in court since the beginning of the nation. The Judiciary Act of 1789 recognized the right to personally present oneself in court without a lawyer. In 1948, this right was reaffirmed under U.S.C. § 1654 which reads: “In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.”

100. U.S. Supreme Court Cases reaffirming the right to self-representation include: *Osborn v. Bank of the United States* (1824); *Haines v. Kerner* (1972); *Faretta v. California* (1975).

101. The Rules of Judicial Conduct recognize this right further. The Rules of Judicial Conduct published by the American Bar Association reaffirm this right as well. Rule 2.6 Enduring the Right to Be Heard, reminds judges to uphold the right to be heard.

Either by oneself or with a lawyer. “(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law.” ABA Model Code of Judicial Conduct Rule 2.6 “A judge shall accord [all]... the right to be heard...””

102. *Elmore v. McCammon* (1986) 640 F. Supp. 905 “... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws.”

103. In *Picking v. Pennsylvania Railway*, 151 F.2d. 240, Third Circuit Court of Appeals: The plaintiff’s civil rights pleading was 150 pages and described by a federal judge as “inept”. Nevertheless, it was held “Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff’s Pleadings without regard to technicalities.”

104. See also *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1959); *Pucket v. Cox*, 456 2nd 233; *Maty v. Grasselli Chemical Co.*, 303 U.S. 197 (1938; *Sherar v. Cullen*, 481 F. 2d 946 (1973) “There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights.”

105. *In Boyd v. United*, 116 U.S. 616 at 635 (1885) Justice Bradley wrote: “It is the duty of the Courts to be watchful for the Constitutional Rights of the Citizens, and against any stealthy encroachments thereon. Their motto should be *Obsta Principiis*.”

106. *In Downs v. Bidwell*, 182 U.S. 244 (1901): “It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgement in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution.”

107. *Gomillion v. Lightfoot*, 364 U.S. 155 (1966), cited also in *Smith v. Allwright*, 321 U.S. 649.644 “Constitutional ‘rights’ would be of little value if they could be indirectly denied.”

108. *Miranda v. Arizona*, 384 U.S. 426, 491; 86 S. Ct. 1603 “Where rights secured by the Constitution are involved, there can be no ‘rule making’ or legislation which would abrogate them.”

109. *Norton v. Shelby County*, 118 U.S. 425 p. 442 “An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed.”

110. *Sherar v. Cullen*, 481 F. 2d 946 (1973): “There can be no sanction or penalty imposed upon one because of his exercise of constitutional rights.” *Simmons v. United States*, 390 U.S. 377 (1968) “The claim and exercise of a Constitution right cannot be converted into a crime”... “a denial of them would be a denial of due process of law”. *Warnock v. Pecos County, Texas*, 88 F3d 341 (5th Cir. 1996) Eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that state officials acted in violation of federal law.

111. See also *Butz v. Economou*, 98 S. Ct. 2894 (1978); *United States v. Lee*, 106 U.S. at 220, 1 S. Ct. at 261 (1882): “No man [or woman] in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it.” *Cannon v. Commission on Judicial Qualifications*, (1975) 14 Cal. 3d 678, 694 Acts in excess of judicial authority constitutes misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process. *Geiler v. Commission on Judicial Qualifications*, (1973) 10 Cal.3d 270, 286 Society’s commitment to

institutional justice requires that judges be solicitous of the rights of persons who come before the court. *Gonzalez v. Commission on Judicial Performance*, (1983) 33 Cal. 3d 359, 371, 374 Acts in excess of judicial authority constitutes misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process. *Olmstad v. United States*, (1928) 277 U.S. 438 “Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.”

112. *U.S. v. Lee*, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171 (1882) “No man in this country is so high that he is above the law. No officer of the law may set that law at defiance, with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law are bound to obey it.” “It is the only supreme power in our system of government, and every man who, by accepting office participates in its functions, is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes on the exercise of the authority which it gives.”

113. *Duncan v. Missouri*, 152 U.S. 377, 382 (1894) says: “Due process of law and the equal protection of the laws are secured if the laws operate on all alike, and do not subject the individual to an arbitrary exercise of the powers of government.”

114. *Giozza v. Tiernan*, 148 U.S. 657, 662 (1893), Citations Omitted: “Undoubtedly it (the Fourteenth Amendment) forbids any arbitrary deprivation of life, liberty or property, and secures equal protection to all under like circumstances in the enjoyment of their rights... It is enough that there is no discrimination in favor of one as against another of the same class. ...And due process of law within the meaning of the [Fifth and Fourteenth] amendment is secured if the laws operate on all alike, and do not subject the individual to an arbitrary exercise of the powers of government.”

115. *Kentucky Railroad Tax Cases*, 115 U.S. 321, 337 (1885): “The rule of equality... requires the same means and methods to be applied impartially to all the constituents of each class, so that the law shall operate equally and uniformly upon all persons in similar circumstances”.

116. *Truax v. Corrigan*, 257 U.S. 312, 332: “Our whole system of law is predicated on the general fundamental principle of equality

of application of the law. ‘All men are equal before the law.’ ‘This is a government of laws and not of men,’ ‘No man is above the law,’ are all maxims showing the spirit in which legislatures, executives, and courts are expected to make, execute and apply laws. But the framers and adopters of the (Fourteenth) Amendment were not content to depend... upon the spirit of equality which might not be insisted on by local public opinion. They therefore embodied that spirit in a specific guaranty.”

117. This Court is obligated to grant this appeal and vacate the orders of Judge Jeffrey L. Ashton.

ARGUMENT #6 – THERE IS NO LEGAL AUTHORITY TO DENY WINDSOR THE RIGHT TO FILE A MOTION TO RECUSE AND DISQUALIFY JUDGE JEFFREY L. ASHTON.

118. This is a pure legal issue to be reviewed by the “de novo” standard of review.

119. Judge Jeffrey L. Ashton has violated Windsor’s Constitutional rights.

120. The Sixth Amendment to the United States Constitution provides the Constitutional right to self-representation. That right

should be enjoyed without fear of harassment or judicial prejudice. Furthermore, no law, regulation, or policy should exist to abridge or surreptitiously extinguish that right. Theoretically, *Pro Se* Litigants have no less of a right to effective due process as those who utilize an attorney.

121. The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decision-making process. See *Carey v. Piphus*, 435 U.S. 247, 259-262, 266-267 (1978).

122. The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. See *Matthews v. Eldridge*, 424 U.S. 319, 344 (1976). At the same time, it preserves both the appearance and reality of fairness, 'generating the feeling, so important to a popular government, that justice has been done,' *Joint Anti-Fascist Committee v. McGrath*, 341 U.S. 123, 172, (1951)

(Frankfurter, J., concurring), by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980).

123. Canon 3E, Fla. Code Jud. Conduct, and Rule 2.160, Fla. R. Jud. Admin., mandate that a judge disqualify himself in a proceeding “in which the judge’s impartiality might reasonably be questioned.” The disqualification rules require judges to avoid even the appearance of impropriety: It is the established law of this State that every litigant is entitled to nothing less than the cold neutrality of an impartial judge. It is the duty of the court to scrupulously guard this right of the litigant and to refrain from attempting to exercise jurisdiction in any manner where his qualification to do so is seriously brought into question. The exercise of any other policy tends to discredit and place the judiciary in a compromising attitude which is bad for the administration of justice. *Crosby v. State*, 97 So.2d 181 (Fla. 1957); *State ex rel. Davis v. Parks*, 141 Fla. 516, 194 So. 613 (1939); *Dickenson v. Parks*, 104 Fla. 577, 140 So.

459 (1932); *State ex rel. Mickle v. Rowe*, 100 Fla. 1382, 131 So. 3331 (1930).

124. For due process and to secure Constitutional rights judges may not take the law into their own hands. But this is precisely what Judge Jeffrey L. Ashton has done. He has ignored the law, ignored the facts, and claimed laws and rules provide something they do not provide, while abusing and disadvantaging Windsor.

125. Judge Jeffrey L. Ashton has lied and demeaned Windsor in open court hearings. It's as if he never read the Code of Judicial Conduct or the Bible. Windsor has tape recordings of Judge Jeffrey L. Ashton if this Court would like to hear them. They prove his lies in his court orders.

126. For due process to be secured, the laws must operate alike upon all and not subject the individual to the arbitrary exercise of governmental power. (*Marchant v. Pennsylvania R.R.*, 153 U.S. 380, 386 (1894).) Judge Jeffrey L. Ashton has violated Windsor's rights by using his power to inflict his bias.

127. For due process, Windsor has the right to protections expressly created in statute and case law. Due process allegedly

ensures the government will respect all of a person's legal rights and guarantee fundamental fairness. Judge Jeffrey L. Ashton violated Windsor's rights by using his power to ignore facts and the law.

128. Due process requires an established course for judicial proceedings designed to safeguard the legal rights of the individual. Action denying the process that is "due" is unconstitutional. Inherent in the expectation of due process is that the judge will abide by the rules. Judge Jeffrey L. Ashton has interfered with the process and violated rules for the purpose of damaging Windsor.

129. An inherent Constitutional right is the honesty of the judge. Judge Jeffrey L. Ashton has not been honest. He has violated Canons 1, 2, and 3 of the Code of Judicial Conduct.

130. Due process guarantees basic fairness and to make people feel that they have been treated fairly. Windsor has not been treated fairly.

131. Judge Jeffrey L. Ashton has denied Windsor's rights of equal protection under the law and his mission seems to be to bury him any way he can.

132. This Court is obligated to grant this appeal and

vacate the orders of Judge Jeffrey L. Ashton. There is no legal authority to deny Windsor the right to file a motion to recuse or disqualify Judge Jeffrey L. Ashton.

**ARGUMENT #7 – THE REVOCATION ORDER VIOLATES
WINDSOR’S RIGHTS TO DUE PROCESS.**

133. This is a pure legal issue to be reviewed “de novo.”

134. Florida Constitution “9. Due process No person shall be deprived of life, liberty or property without due process of law.”

135. There was no notice. There was no opportunity to be heard. There was no due process, just a terminally biased judge.

[APPENDIX 1.]

136. The Constitutions of the United States and Florida guarantee due process of law. U.S. Const. amend. XIV, § 1; Fla. Const. art. I, § 9. “The denial of due process rights, including the opportunity to be heard, to testify, and to present evidence, is fundamental error.” *Weiser v. Weiser*, 132 So. 3d 309, 311 (Fla. 4th DCA 2014). [*Wanda I. Rufin, P.A. v. Borga*, 294 So.3d 916 (Fla. App. 2020).]

137. The Sixth Amendment provides the Constitutional right to self-representation. That right should be enjoyed without fear of harassment or judicial prejudice. Furthermore, no law, regulation, or policy should exist to abridge or surreptitiously extinguish that right. Theoretically, *Pro Se* Litigants have no less of a right to effective due process as those who utilize an attorney.

138. Judge Jeffrey L. Ashton has expressed his disdain for pro se parties. He has harassed Windsor and demonstrated extreme judicial prejudice. Consider these statements by Judge Jeffrey L. Ashton at the Hearing on the Order to Show Cause on 04/05/2021:

THE COURT: "... this matter has been about a year since Counsel was withdrawn from the case and this case has not proceeded at all towards trial or resolution. [APPENDIX 124 - Transcript-P.4:8-11.]

THE COURT: "So that's one of the issues I'm having with you is if you were a lawyer you wouldn't say that because you would know that that's not how it works. And, see, that's why I'm concerned about the progress of your litigation is because you appear to have become so wrapped up in a personal argument with Counsel or with me that you've lost sight of the actual lawsuit itself. Because all the stuff that you're doing is not advancing your lawsuit. It's not getting you to a favorable resolution. And a lawyer would know that. And that's my concern is that you have become so obsessed with a battle with the lawyer or with the judge that you completely lose sight of the endgame, which is getting your case prepared, ready and presented to a jury." [APPENDIX 124 -Transcript-P.29:3-18.]

THE COURT: “They have no basis in law. I've looked at them. If you were a lawyer you would know that. But I understand that you've done some research and you're obviously a very bright man, but that's the difficulty here, is that right now I'm presented with a choice, either allow this thing to continue to spiral out of control or require you to have a lawyer help you get this case to move forward.” [APPENDIX 124 -Transcript-P.29: 25; P.30:1-8.]

THE COURT: “Well, sir, this is another area that you fail to understand the subtlety of. But if you were going to be held in contempt you'd be correct. But the order to show cause was simply to show cause why I shouldn't grant a motion. That has a different legal implication. So this is just another example of how what you interpret something a certain way that isn't accurate and if you were an attorney you would understand more how those things happen.” [APPENDIX 124 - Transcript-P.33:1-10.]

139. Judge Jeffrey L. Ashton then granted the unlawful motion that was a set-up by him and ordered that Windsor may file nothing unless approved and signed by a member of the Florida BAR. The motion and “hearing” were in violation of Florida law and the rules.

140. The motion failed to meet the requirements for the entry of an injunction. The Relief requested by the attorneys for the Defendants was an injunction. The Defendants do not have standing to seek an injunction, and these attorneys failed to state

the essential elements. Judge Jeffrey L. Ashton completely ignored this.

141. There was neither factual nor legal basis for this order.

142. In the history of the State of Florida, there appear to have been 172 people denied the right to file anything unless signed by a member of the Florida Bar. APPENDIX 56 is a spreadsheet listing all 172. 148 of those required to have pleadings signed a member of the Florida Bar were prisoners. 5 of the 172 were attorneys limited by The Florida Bar while disbarred. So, 19 were not prisoners or attorneys.

143. Nineteen (19) Florida citizens in the entire history of the state! Windsor has summarized the opinions in each of the 19 cases. [APPENDIX 57.]

144. The cases reviewed show there is no way in the world for any court to require Windsor to have his pleadings signed by a member of the Florida Bar.

145. APPENDIX 56 is the spreadsheet listing all 172. The first column numbers them. The second column shows the Case Style. The third column shows if the Plaintiff was a Prisoner. The fourth column provides a brief summary of the Issues. The fifth column

indicates whether the Plaintiff had been ruled to be a Vexatious Litigant under Florida law. The sixth column indicates whether the case was further addressed in a Memorandum of Law. [APPENDIX 25.] The seventh column indicates whether the opinion indicated a Show Cause Order had been issued by the appellate court. The eighth and ninth columns provide the remainder of the citation (in addition to the first column).

146. Three of the 19 had been declared Vexatious Litigants pursuant to Florida statutes. Windsor cannot be so declared. He had never lost a Florida case.

147. The 19 penalized people included a frivolous and flagrant attempt to circumvent the Court's previously entered sanction order. One plaintiff filed identical petitions in multiple cases in violation of a court order. Windsor has not violated any court order, and he has never filed an identical petition.

148. The other penalized Plaintiffs had 17 cases filed with no relief and determined frivolous; 85 cases filed; multiple meritless petitions; 22 cases showing a profound lack of understanding of the court system in general and of the appellate system in particular; 45 cases dismissed; 26 baseless Florida pleadings; numerous

pleadings devoid of merit and failure to properly pursue actions; numerous meritless filings; 25 appellate proceedings found to have no merit; relitigating matters decided earlier and 12 federal court actions against judges. Windsor has never had anything declared frivolous or baseless; he has never been found to have filed a meritless petition. He has had cases wrongfully dismissed, and they are on appeal. Windsor has an excellent understanding of the court system; he has never filed an appellate proceeding found to have no merit.

149. Not a single one of the 172 was restricted in Florida because of something that purportedly happened in another state.

150. Judge Jeffrey L. Ashton has repeatedly called Windsor a liar. Windsor does not lie.

151. The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decision-making process. See *Carey v. Piphus*, 435 U.S. 247, 259-262, 266-

267 (1978). The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. See *Matthews v. Eldridge*, 424 U.S. 319, 344 (1976). At the same time, it preserves both the appearance and reality of fairness, ‘generating the feeling, so important to a popular government, that justice has been done,’ *Joint Anti-Fascist Committee v. McGrath*, 341 U.S. 123, 172, (1951) (Frankfurter, J., concurring), by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980).

152. Canon 3E, Fla. Code Jud. Conduct, and Rule 2.160, Fla. R. Jud. Admin., mandate that a judge disqualify himself in a proceeding “in which the judge’s impartiality might reasonably be questioned.” The disqualification rules require judges to avoid even the appearance of impropriety: It is the established law of this State that every litigant is entitled to nothing less than the cold neutrality of an impartial judge. It is the duty of the court to scrupulously guard this right of the litigant and to refrain from attempting to

exercise jurisdiction in any manner where his qualification to do so is seriously brought into question. The exercise of any other policy tends to discredit and place the judiciary in a compromising attitude which is bad for the administration of justice. *Crosby v. State*, 97 So.2d 181 (Fla. 1957); *State ex rel. Davis v. Parks*, 141 Fla. 516, 194 So. 613 (1939); *Dickenson v. Parks*, 104 Fla. 577, 140 So. 459 (1932); *State ex rel. Mickle v. Rowe*, 100 Fla. 1382, 131 So. 3331 (1930).

153. For due process and to secure Constitutional rights judges may not take the law into their own hands. But this is precisely what Judge Jeffrey L. Ashton has done. He has ignored the law, ignored the facts, and claimed laws and rules provide something they do not provide, while abusing and disadvantaging Windsor.

154. For due process to be secured, the laws must operate alike upon all and not subject the individual to the arbitrary exercise of governmental power. (*Marchant v. Pennsylvania R.R.*, 153 U.S. 380, 386 (1894).) Judge Jeffrey L. Ashton has violated Windsor's rights by using his power to inflict his bias.

155. For due process, Windsor has the right to protections

expressly created in statute and case law. Due process allegedly ensures the government will respect all of a person's legal rights and guarantee fundamental fairness. Judge Jeffrey L. Ashton violated Windsor's rights by using his power to ignore facts and the law.

156. Due process requires an established course for judicial proceedings designed to safeguard the legal rights of the individual. Action denying the process that is "due" is unconstitutional. Inherent in the expectation of due process is that the judge will abide by the rules. Judge Jeffrey L. Ashton has interfered with the process and violated rules for the purpose of damaging Windsor.

157. An inherent Constitutional right is the honesty of the judge. Judge Jeffrey L. Ashton has not been honest. He has violated Canon 2 and other Canons of the Code of Judicial Conduct.

158. Due process guarantees basic fairness and to make people feel that they have been treated fairly. Windsor has not been treated fairly.

159. Judge Jeffrey L. Ashton has denied Windsor's rights of equal protection under the law and his mission seems to be to bury him any way he can.

160. THE REVOCATION ORDER VIOLATES WINDSOR'S RIGHTS TO DUE PROCESS. This Court is obligated to grant this appeal and vacate the orders of Judge Jeffrey L. Ashton.

ARGUMENT #8 -- JUDGE JEFFREY L. ASHTON IS TERMINALLY BIASED, AND HE MUST BE DISQUALIFIED AND REMOVED.

161. Windsor's Affidavits of Prejudice stated very clearly the facts and reasons for the belief that bias and prejudice exist. [APPENDIX 120.] Dates, times, places, circumstances, and statements are itemized. The reasons for the belief are material and stated with particularity.

162. Windsor's motions, affidavits, certificates of good faith, and memorandum of authorities meet the requirements for a motion to disqualify. [APPENDICES 121, 120, 116.]

163. The Third Motion to Disqualify [APPENDIX 120] lists 28 grounds for the recusal of Judge Jeffrey L. Ashton. It lists five disqualifications by law.

164. The 69-page Affidavit of Prejudice [APPENDIX 121] contains 413 paragraphs swearing under penalty of perjury as to the prejudice of Judge Jeffrey L. Ashton.

165. The DOCKET shows Judge Jeffrey L. Ashton demonstrated bias in everything he has done and not done in the case. [APPENDIX 122.]

166. Judge Jeffrey L. Ashton lied in response to the first motion to recuse/disqualify; had the second motion unlawfully removed from the court records and failed to respond to it; and ignored the third motion to recuse/disqualify by ignoring it and claiming Windsor had no right to file it. This Court must remove this corrupt judge from this case.

CONCLUSION

WHEREFORE, Appellant, WILLIAM M. WINDSOR, respectfully urges the Court to enter an Order granting this Appeal; vacate the REVOCATION ORDER; remove Judge Jeffrey L. Ashton from this case; and instruct the new judge to proceed in a manner consistent with this Court's decision.

This 8th day of April 2023,

/s/ William M. Windsor

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Brief complies with the font requirements of Rule 9.100(1) and Rule 9.210 of the Florida Rules of Appellate Procedure and contains 9,872 words.

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DECLARATION

Pursuant to Florida Statute 92.525, under penalties of perjury, I declare that I have read the foregoing document and that all facts in it are true.

This 8th day of April 2023,

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