

Kristen Boehler

CAUSE NO.: 73540

IN THE INTEREST OF

A.G.F.W.,

A MINOR CHILD.

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IN THE 6<sup>th</sup> JUDICIAL

DISTRICT COURT OF

LAMAR COUNTY, TEXAS

### **Verified Criminal Complaint; and Notice of Tort Claims**

Comes now Rustin P. Wright, *ex rel.* the Name and Authority of the State of Texas, charging that, on 04-13-2018, 04-17-2018, and 05-16-2018, and already knowing the same to be unlawful against the peace and dignity of the State of Texas and against the People and laws thereof, did then **John W.T. “Will” Baird**, also **Jennifer M. Gibo**, and **Ashley B. Womack** unlawfully, knowingly, willfully and also intentionally conspire to perpetrate and also physically perpetrate and cause to happen, within the County of Lamar of the State of Texas, no less than each of the following penal violations upon *each* of all three (3) above dates, that is to say no less than at least three (3) Counts of *each* of the criminal acts detailed herein further below, by the same Defendants unlawfully and knowingly conspiring to create and issue knowingly false and fraudulent state court records, also perpetrated while each of them were fully aware that Lamar County lacked any jurisdiction whatsoever, and that because of plethora of timely predicate acts, not to mention additional such prior acts, each Defendant is further chargeable via RICO claims.

FURTHERMORE TO ANY AND ALL LAW ENFORCEMENT OFFICERS, should Ashley Womack attempt to falsely present any such knowingly false and fraudulently created documents of the above dates to you, as her pretended state court record(s) regarding any matter whatsoever, then she is to be immediately ARRESTED in your presence, and duly charged with no less than:

(a) TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE as a 3<sup>rd</sup> degree

Felony pursuant to Texas Penal Code Title 8, Section 37.09(a)(2);

- (b) TAMPERING WITH GOVERNMENTAL RECORD as a state jail felony under Texas Penal Code Title 8, Section 37.10(a)(2) together with (a)(5) and penalty enhancement under (c)(2);
- (c) ATTEMPTED INTERFERENCE WITH CHILD CUSTODY as a state jail felony under Texas Penal Code Title 8, Section 25.03; and,
- (d) FALSE REPORT TO PEACE OFFICER as a Class B Misdemeanor under Texas Penal Code Title 8, Section 37.08.

### **FACTUAL BASIS OF CRIMINAL COMPLAINT**

I hereby reincorporate by reference the same as if they had been fully set forth, my previous filings herein, each and every paper within the lower federal removal case, TX-ED cause number 4:15-cv-601, each and every paper within the corresponding federal interlocutory appellate case, 5<sup>th</sup> Circuit cause number 15-41553, each and every paper within the corresponding federal full appellate case, 5<sup>th</sup> Circuit cause number 16-41192, as well as the last three (3) filings by this undersigned made within this instant state Court and entered by the Clerk onto the instant docket, including my Motion to Dismiss, or in the Alternatives, for Mandatory Change of Venue to Collin County, or to Set Evidentiary Hearing on Local Bias (January 3, 2017 – still pending), which likewise reminded about the prior two (2) filings, disingenuously disguised as “Other” by the Clerk on June 6<sup>th</sup> of 2016, including my Verified Affidavit of Rustin Wright on Local Bias and Prejudice, and my Notice of Total Lack of Jurisdiction, the latter of which particularly re-emphasized yet again these directly relevant points herein:

- a) these matters were removed into federal court jurisdiction and still remained there during and through all of federal appellate review as of right of law, *id.* at 1-2;

- b) all judges of Lamar County are precluded from any further involvement herein due to the express statutory conflicts of interest of the Title IV-D system, *id.* at 2-5;
- c) independently, the several matters of local bias and prejudice complained of require, without reasonable question, transfer of venue to another county themselves, *id.* at 5;
- d) even (years ago now) when same said Notice was filed complaining of residency and that any proper jurisdiction must go to Collin County, *id.* at 5-6, and even well prior to that via earlier filings specifically complaining about said geographical limitation terms, and even this Court's admitted response to said serious issues, this Court was duly notified thereby (yet again) that Petitioner has very long ago moved away from Lamar County, well knows further that I have never lived in Lamar County, and well knows further that Texas law requires transferring cases after six months of losing continuing jurisdiction due to all parties vacancy of any residency in a county, hence this case was long ago required to be transferred and that solely to Collin County;
- e) and independently again, that **all** proceedings and events within this ostensible instant case after November 5<sup>th</sup> of 2014 have been, were, and are absolutely **void**, with the **sole** exceptions being those limited subsequent processes directly related to attempts at properly transferring case venue to some other court, as expressly ordered, *id.* at 6-7.

And yet, with all three (3) Defendants, **John W.T. "Will" Baird**, also **Jennifer M. Gibo**, and **Ashley B. Womack** absolutely knowing, and knowing for literally and actually YEARS already that there was no further jurisdiction within Lamar County whatsoever, for the above multitude of perfectly clear and perfectly lawful and perfectly mandatory reasons, and after well over two (2) years later since federal removal without activity in this VOID state court case, and after an erroneously scheduled jury trial over a full year ago never happened without further word of any

kind, and knowing they had absolutely no jurisdiction or lawful basis of any kind, still criminally intent on 04-13-2018, 04-17-2018, and 05-16-2018, the three (3) Defendants did knowingly (and even ridiculously) forge and falsify various “temporary” and other “orders” from **five years ago** (*and already rejected by the previous Court in 2013... twice...and already superseded with and by the prior orders of Judge Clifford which all of the Defendants knew and know have been in continual use ever since...*) with sudden and knowingly void judicial signatures and knowingly fraudulent issuances of the same prior flatly-rejected terms. This is laughable, at best, but even notwithstanding how utterly ridiculous the Defendants acted, they are now criminally charged, and again that is with THREE (3) COUNTS of each and every one of their following crimes, as constituting at least one **felony** (1) Count of SECURING EXECUTION OF DOCUMENT BY DECEPTION in violation of Texas Penal Code, Title 7, Section 32.46, also at least one (1) Class A **misdemeanor** Count of IMPROPER INFLUENCE in violation of Texas Penal Code, Title 8, Section 36.04, also at least one (1) **felony** Count of OBSTRUCTION OR RETALIATION in violation of Texas Penal Code, Title 8, Section 36.06, also at least one (1) **felony** Count of BARRATRY in violation of Texas Penal Code, Title 8, Section 38.12, and further noting that sub-section (i) thereunder expressly reminds that “*Final conviction of felony barratry is a serious crime for all purposes and acts, specifically including the State Bar Rules and the Texas Rules of Disciplinary Procedure*” (emphasis added), also at least one (1) **felony** Count of ABUSE OF OFFICIAL CAPACITY in violation of Texas Penal Code, Title 8, Section 39.02, and further also at least one (1) Class A **misdemeanor** Count of OFFICIAL OPPRESSION in violation of Texas Penal Code, Title 8, Section 39.03, and yet also at least one (1) Count of DEPRIVATION OF RIGHTS UNDER COLOR OF LAW in violation of 18 U.S. Code § 242 (1 year for all basics for **each** act), also at least one (1) Count of CONSPIRACY TO COMMIT OFFENSE OR TO DEFRAUD

UNITED STATES in violation of 18 U.S. Code § 371 (5 years for **each** act), also at least one (1) Count of [false] STATEMENTS OR ENTRIES GENERALLY in violation of 18 U.S. Code § 1001 (5 years for **each** act), and also further at least one (1) Count of FRAUDS AND SWINDLES in violation of 18 U.S. Code § 1341 (20 years for **each** act of “mail fraud”) (See also 18 U.S. Code § 1346 for the definition of “scheme or artifice to defraud” therein, which clarifies, “For the purposes of this chapter, the term “scheme or artifice to defraud” **includes a scheme or artifice to deprive another of the intangible right of honest services**”) (emphasis added).

“The fabrication of evidence by a party in which an attorney is implicated will constitute a fraud on the court.” *Rozier v. Ford Motor Co.*, 573 F.2d 1332, 1338 (5th Cir. 1978) (citing *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 64 S.Ct. 997, 88 L.Ed. 1250 (1944)). Common examples of “fraud upon the court” include the “fabrication of evidence by counsel,” *Greiner v. City of Champlin*, 152 F.3d 787, 789 (8th Cir. 1998), and the “insert[ion of] bogus documents into the record.” *Oxxford Clothes XX, Inc. v. Expeditors Int’l of Wash., Inc.*, 127 F.3d 574, 578 (7th Cir. 1997). But, “[b]ecause corrupt intent knows no stylistic boundaries, fraud on the court can take many forms,” *Aoude v. Mobile Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir. 1989), and courts take each case on its facts. See *Dictograph Products Co. v. Sonotone Corp.*, 230 F.2d 131, 137 (2d Cir. 1956).

#### NOTICE OF TORT CLAIMS

I am entitled to damages for the torts by the officers of Lamar County herein of gross incompetence, refusal to provide honest services / honest services fraud, class discrimination, fraudulent neglect of duties, breach of fiduciary duties, negligence, all resulting in grossly manifest injustice and obstruction of justice, corruption, even laughable ridiculousness, and I further demand any and all other true relief to which I am entitled.

Accordingly, I now present this NOTICE of official written claims to the County of Lamar upon the above described and various torts and related wrongdoing by the three (3) Defendants hereby made in demanding lump sum payment of twenty-five million United States dollars (\$25,000,000 USD in tort claims hereby now made and demanded), with additional claims quite very possible herein, and further demand below-served authorities investigate the same aforementioned officers of this Court who are also now joint primary tortfeasors herein.

Naturally, the County of Lamar, involved law firms, and other applicable supervisory entities herein, will also be held jointly civilly liable and criminally negligent and/or otherwise criminally responsible via specific provisions of Texas Business Code such as Sec. 301.010 thereunder, including noting that law firms or any similar entities can **easily** be held liable for the *knowingly* unlawful acts of their any underling and/or partner attorneys and any/all other associated legal professionals, pursuant to the provisions of ethics rules, established common law aspects of vicarious liability per the provisions of Restatement (Third) of the Law Governing Lawyers § 58 (2000), liability under *respondeat superior* per the various provisions of Restatement (Third) of Agency, breach of fiduciary duties to opposing and third parties, and so forth and so on, *ad nauseam*, endlessly available for the grievous and heinous acts herein, and then relentless post-judgment supplemental actions until the awarded damages are completely paid in full, with interest, because damages for fraud can never be erased or bankrupted out of, *see*, e.g., state and federal statutory laws like Section 523(a) of the federal Bankruptcy Code, etc., and various SCOTUS case law upon that very subject, such as *Grogan v. Garner*, 498 U.S. 279 (1991), *Cohen v. De La Cruz*, 523 U.S. 213, 118 S.Ct. 1212, 140 L.Ed.2d 341 (1998), and etc.

Naturally also, Mr. Baird should and must now by law be removed from office pursuant to any of the alternative provisions under Article XV of the Texas Constitution, *see also* Texas

Government Code, Section 24.021, Section 33.038, and etc., *see also* Article V, Section 1-a(6) and Section 24 of the Texas Constitution, and likewise, Ms. Golden should and must now by law be likewise removed from office pursuant to Article V, Section 9 and Section 24 of the Texas Constitution, since she has knowingly continued to issue clearly false and fraudulent “orders” in a case that was clearly transferred years ago, *see also* Texas Government Code, Section 51.322 and etc., while obviously also the willfully dishonest and criminally-acting attorneys herein, Ms. Gibo and others, should and must be law be disbarred permanently (with standard reciprocal notices sent unto the state bar associations of all other 49 sister States and Commonwealths plus the same for DC) pursuant to Texas Government Code, Section 82.061 and Section 82.062.

Because each and every single same above named individual person engaged herein, besides Ashley Womack, is also a duly sanctioned *officer* of the courts and therefore every statement (written or oral) presented to any court (state or federal) is also automatically deemed to be given under their sworn oaths to uphold the Federal Constitution and all statutes and other laws, and/or otherwise as legally deemed swearing to the truth of every averment and statement presented to a court of law, and also therefore likewise every act and/or omission to act is automatically deemed to be performed or affirmatively refused under their sworn oaths to uphold the Federal Constitution and all statutes and other laws, then and therefore each and every single same such same above officer of the Lamar County courts is also absolutely and conclusively guilty of knowing they were and are still lying to and defrauding the state court (i.e., knowing, intentional material misrepresentations) about such clearly invalid/void state court orders, hence both said officers named herein are conclusively and already guilty beyond any reasonable doubt of perpetrating Perjury herein already, in direct violation of Texas Penal Code Title 8, Section 37.02. And because such statements have been made intentionally within that state court (any

“official proceeding”) and are directly material, each such criminal charge is automatically enhanced to Aggravated Perjury as a 3<sup>rd</sup> degree felony charge under Texas Penal Code Title 8, Section 37.03. And because both same said officers engaged herein, by *knowing* the state court orders are clearly unconstitutional and false, yet *knowingly* continue to perpetrate the criminal act of “makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent to affect the course or outcome of the investigation or official proceeding” (any state or federal court), then each and both same officers are also clearly guilty of another 3<sup>rd</sup> degree felony per Texas Penal Code Title 8, Sec. 37.09(a)(2) TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE. *See also*, Texas Penal Code Title 8, Sec. 37.10(a)(2) together with (a)(5) TAMPERING WITH GOVERNMENTAL RECORD, which is a state jail felony enhancement under (c)(2) thereof due to each same such officer’s obvious and clear intent to defraud the corresponding Victim undersigned and to defraud and harm the Victim child herein.

Necessarily also therefore, each above named court officer herein is further guilty beyond any reasonable doubt of Class A misdemeanors perpetrated in criminal violation of Texas Penal Code Title 8, Sec. 36.04 IMPROPER INFLUENCE, of also various state and federal Obstruction charges, of also criminal conspiracy to defraud the Social Security Administration (Title IV-D), and so forth and so on, *and we’re barely just getting started here with numerous such crimes...*

Because both such same named attorneys falsely engaged at any level of any court herein to fraudulently use the “official proceedings” to commit multiple and numerous crimes, which acts are each *themselves yet another act* of very serious and gross Misconduct against the various duly known and very well established Texas Disciplinary Rules of Professional Conduct of any and all Texas-licensed attorneys herein engaged, so each *already* knew and knows they were mandatorily required to immediately withdraw their own representational appearance of any



party from these matters, and each same such attorney also knows their own mandatory duty to report the Misconduct of *other* legal professionals of which they have received direct knowledge.

*See, same said Rules, id., passim*, particularly emphasizing **Rule 8.04 Misconduct**, also **Rule 8.03 Reporting Professional Misconduct**, and also **Rule 1.15 Declining or Terminating Representation**, of which paragraph (a) clearly commands withdrawal by *every* attorney herein.

Texas law requires transferring cases after six months of losing continuing jurisdiction due to all parties' vacancy of residency in a county. See, Texas Family Code, Chapters 103 and 155.

Sec. 103.002 of the Texas Family Code requires transfer of venue county when a party, vis-à-vis any related motion or similar, shows a county's venue as improper, and that applies to either an original proceeding, an action in modification, and/or an action for enforcement. *Id.*

If Ashley would like a state court to consider changing the longstanding terms and conditions of the previous orders and Agreements already executed years ago within this matter, then any such newly raised litigation attempts must be made solely at and through Collin County courts.

Again, the statutory requirement to transfer venue is mandatory, clear-cut, plain, and consistently upheld by the Texas Supreme Court and the sister Texas Courts of Appeal by routine issuances of orders alerting lower judges that their "conditional writs" will immediately follow if their "informal" but routinely plain opinions compelling said lower court to order the given venue transfer does not happen soon thereafter.

It bears repeating again that both the Texas Supreme Court and the Texas Courts of Appeal will and do routinely and consistently issue these "conditional" writs, regardless of whether the type of family court case is under child protection services, e.g., *In re Kerst*, 237 S.W.3d 441 (Tex. App.—Texarkana 2007), *In re Nabors*, 276 S.W.3d 190 (Tex.App.—Houston 2009), etc., etc., or whether the case type is "normal" domestic relations like divorce or similar with minor

children, as herein, e.g., *In re Cooper*, 320 S.W.3d 905 (2010), *In re Hancock*, No. 13-09-123-CV, 2009 Tex. App. LEXIS 2787 (Tex. App.—Corpus Christi April 23, 2009), and etc., etc., etc.

Indeed, Lamar County District Clerk, Ms. Golden, is already and clearly further guilty of failing to comply with and obey her clear requirements under Texas Government Code, Title 2, Chapter 51 CLERKS, Subchapter J CERTAIN FRAUDULENT RECORDS OR DOCUMENTS, Section 51.901 FRAUDULENT DOCUMENT OR INSTRUMENT, re: striking all of the same from the instant state court docket as clearly void *ab initio*, recalling any other issuances, and etc.

**WHEREFORE**, the undersigned Victim formally and duly complains and presses for the utmost immediate prosecution of the knowing, intentional, willful and wanton crimes recently perpetrated by the Defendants, **John W.T. “Will” Baird**, also **Jennifer M. Gibo**, and **Ashley B. Womack** unlawfully against the peace and dignity of the State of Texas, and says further naught.

Respectfully submitted,



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Rustin P. Wright  
10603 Memphis Drive  
Frisco, TX 75035  
Tel: (469) 569-2435

VERIFICATION

I hereby declare, verify, certify and state, pursuant to the penalties of perjury under the laws of the United States, and by the provisions of 28 USC § 1746, that all of the above and foregoing representations are true and correct to the best of my knowledge, information, and belief.

Executed at Frisco, Texas, this \_\_\_3rd\_\_\_ day of June, 2018.



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Rustin P. Wright

CERTIFICATE OF SERVICE

I hereby certify: that on this \_\_3rd\_\_ day of June 2018, a true and complete copy of the foregoing *Verified Criminal Complaint, and Notice of Tort Claims*, by depositing same via first class postage prepaid United States Postal Service mail, certified with RRR as appropriate, and also via email as available each, has been duly served upon the following:

*(Petitioner herein)*

Ashley B. Womack  
125 Ellis Creek Drive  
Weatherford, TX 76085-1631

*(counsel for Petitioner)*

Jennifer M. Gibo, #24032343  
Law Office of Jennifer Gibo  
109 1st Street SE  
Paris, TX 75460

John W.T. Biard, # 24034327  
Lamar County Courthouse  
119 North Main Street  
Paris, TX 75460

Commissioners' Court of Lamar County  
c/o County Judge M.C. Superville, Jr.  
119 North Main Street  
Paris, TX 75460

Governor Gregory W. Abbott  
Office of the Governor  
1100 San Jacinto Blvd., Ste. 151B  
Austin, TX 78701

Attorney General Warren K. Paxton, Jr.  
Office of the Attorney General  
300 West 15th Street  
Austin, TX 78701

and likewise, in the same manner, served also upon the following persons with related duties:

Linda A. Acevedo  
Chief Disciplinary Counsel  
State Bar of Texas  
14651 N. Dallas Parkway, Suite 925  
Dallas, TX 75254

Gary Young, District Attorney  
Lamar County District Attorney's Office  
119 North Main Street  
Paris, TX 75460

State Commission on Judicial Conduct  
P.O. Box 12265  
Austin, TX 78711-2265



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Rustin P. Wright