

ORIGINAL

FILED

05/29/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0251

WENDY COLE
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FILED

MAY 29 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

WENDY COLE,
Petitioner, Appellant
Pro Se

v.

ERIC GUNTER,
Respondent, Appellee
Pro Se

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) Cause No. DA 25-0251
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)

) VOLUNTARY MOTION TO
) DISMISS APPEAL
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VOLUNTARY MOTION TO DISMISS APPEAL

I move the Court to dismiss this appeal for the following reasons:

I am afraid what will happen to me next if I continue on with this appeal.

Upon filing the Appeal to the Supreme Court for an Order of Protection, on April 7, 2025, I was given 3 Lease Violations within a month, by the manager of Red Lodge Apartment, Sequoia Boehm. Boehm, and her Step father, Zack Sagrilla, who was the previous manager, are Friends of the Appellee and have acted out various forms of retaliation since I reported the misconduct of the

Appellee of Sexual Harassment, Vandalism, Stalking and Cyber Stalking to the RLPD police in 2023. The RLPD and City Court Judge have called me a liar.

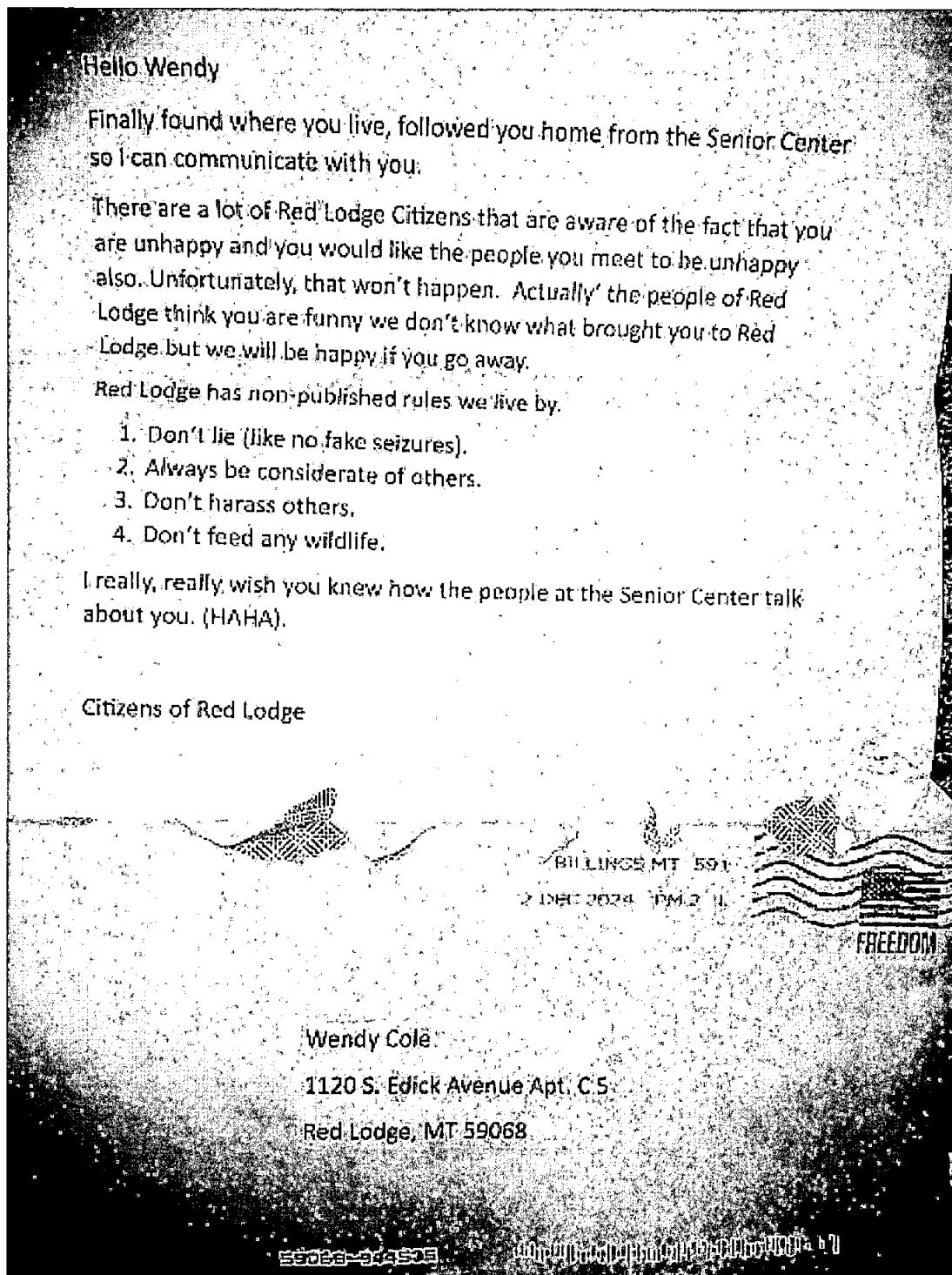
I requested a Hearing for the lease violations, but because of my respiratory infection and long illness I wasn't able to attend the Hearing. I notified them the day before by voice mail and email. Without my presence to defend myself, I was then given an Eviction Notice on May 12, 2025. All communication with the management was denied. The timing of the 3 Lease violations was obvious retaliation to the Supreme Court Appeal filed on April 7, 2025 because they referred to situations such as a Wreath on the Apartment Door, and outdoor furniture which had been in place since I moved in in 2023. All the alleged Lease violations were seen by the Regional Manager on many occasions with no problem and no warning or notice was ever given to any violation till now.

This was obviously done in retaliation to solely benefit the Appellee and to again, punish me for filing an appeal of the Protection Order both in District Court and in the Supreme Court to protect myself from their friend. The Appellee said numerous times "no one wants you living here" and "MOVE!" in texts and verbal assaults. The RLPD condoned the Appellee behaviors and the City Court Judge disregarded his sexual misconduct and stalking, which further emboldened him to

do more threatening acts by granting the Appellee the order of protection against me.

The Appellee organized a “Citizens of Red Lodge” from his friends who also reside at The Red Lodge Apartments to threaten me even moreso. This letter was received December 4, USPS, and could have only come from the Appellee and his friends because no one other than the Appellee and the reporting person on the stalking charge, Rizay Brantley ever saw me have a seizure. The RLPD did nothing. This was terrifying to me and caused even more trepidation and fear of the Appellee. The diversion used here to hide the identity of the author is that the Appellee is banned from the Red Lodge Senior Center still to this date for harassing the management and me while I was teaching a Mah Jongg class.

Appellee called 911 for Police Assistance which there was no reason to do so.



This letter was reported to the RLPD but no investigation pursued.

I received this email from Connie Bosley of the Bosley Management, after I asked in a response to my eviction notice as to why no action of eviction was taken against Appellee after he sent me sexually explicit pictures and texts, which was a serious Lease Violation. I forwarded the police reports to her as well. Bosley Management is protecting their interests due to failing to do a back ground check on the felon Appellee or act on the sexual harassment done by both the Appellee and his manager friend, Zack Sagrilla. Contrary to what Zack Sagrilla claimed, being a survivor of aggravated rape, I do not like getting sexually explicit texts or pictures of the Appellee's genitalia, especially at my age and alone, nor did 2 other senior women.



The Appellee's report on arrest and prosecution would have exposed the fact of the Appellee's complex criminal history from domestic abuse, violating protection orders, arson with the intent to harm human and structure and meth use and possession should have prevented him from being given an apartment within a USDA-RURAL apartment complex or so I was told by a regional USDA-RURAL

manager. This denial of residency could have saved a lot of heartache and elder abuse. This has cost me my Section 8 Housing Choice Voucher which I had for over 25 years and was my guarantee to never be homeless again. I moved to Red Lodge 15 years ago and was a productive citizen as a teacher and volunteer.



ANTI-SEXUAL HARASSMENT POLICY

Anyone who feels he or she has been the victim of sexual harassment at this property in reference to the Site Manager, Caretaker, other tenants or their guests, or the home office personnel of Bosley Management, Inc. may file a complaint with BMI by contacting Connie Bosley by mail at **566 Turner Lane, Sheridan, WY 82801**, or by phone at **(307) 672-9708**, or by fax at **(307) 672-9294**, or by E-mail at **cbosley@bosleymanagement.com**

An attorney from the Montana Legal Services Association admonished me to not pursue the Appeal any further to stop more possible retaliation and curry favor with Connie Bosley, to stop the eviction; however, the damage was done. I need to preserve what is left of my life and health as per my psychologist. I just want a peaceful home without being the target of gang warfare.

This whole ordeal has exhausted my financial resources, caused serious health and heart issues, cost me my home and future housing and put me into the Emergency Room on a suicide watch from my Disability of PTSD after I received the Eviction Notice. I have had 6 seizures in 2 weeks whereas, I haven't had that many for many years. At 66 years old, with a disability and no family, no resources to move and no place to move to by July, I am too overwhelmed to continue down this road of humiliation and retaliation. Especially after the City Judge's and Appellee's misconduct was condoned by the Judicial Standards Commission that further denied me the right to unbiased justice. I still am facing a frivolous criminal charge from the psychotic lies of the Appellee and his friend Rizay Brantly.

ACTIONS TAKEN:

I met with Brantley at the PD (lobby). Brantley showed me text messages between her and Gunter that has her concerned for Gunter's well being. Brantley said something like she has witnessed Gunter's decline in mental health due to Wendy Coles' harassment.

I observed the following text messages between Brantley and Gunter. Brantley said the text were sent this morning.

From: Gunter 7:52 AM - We are getting up. Traci stepped in, and we got a plan for Windy and me. I'm still sick. We talked not over the bad energy yet.

From: Gunter- I just locked my door for the first time at my place. I only locked my door on the other side after I believe Windy went in my house. The signs or here and manifesting to a ending that is making me shake already. I'll explain in a couple of days.

From: Gunter -The ending of this. Have a great morning. Cool, I had to jump in the shower to wash that one off. I wont leave you hanging on this one. Windy might commit murder suicide, and Traci will be left. If she hasn't a gun, she will get one possibly from a house behind her without them knowing. Just Kidding. Have a great day, snow soon.

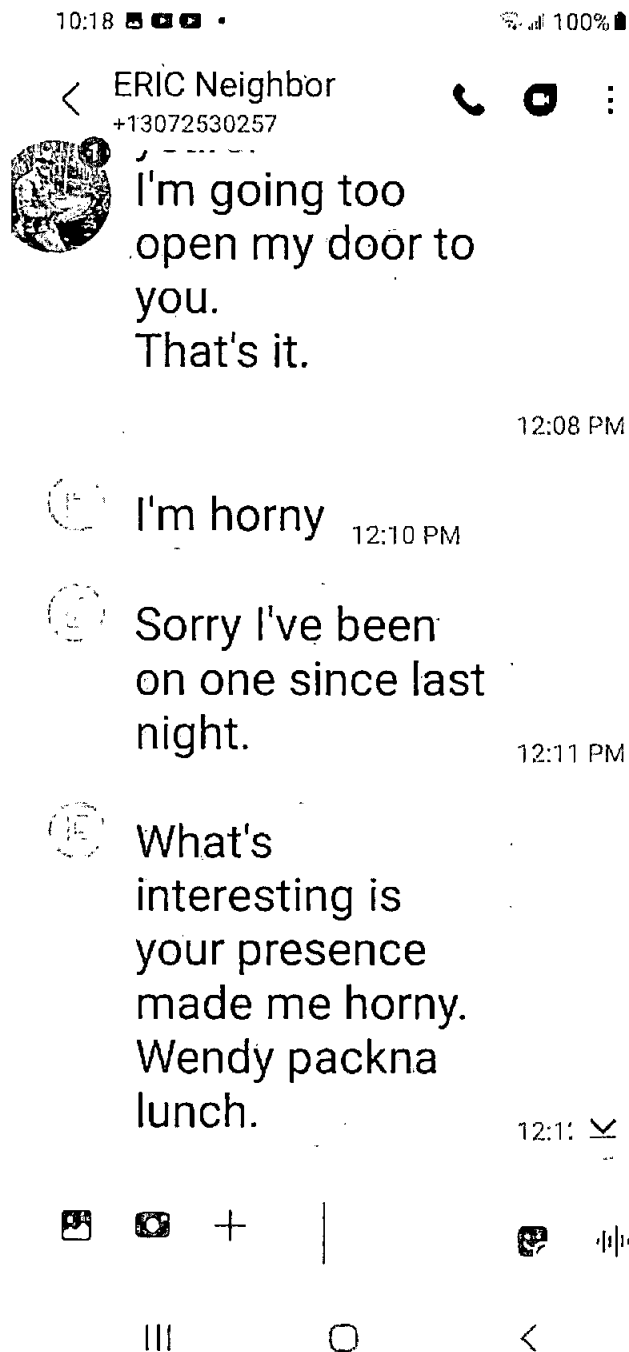
From: Gunter- This has been manifesting since you asked me to practice shooting. I didn't understand why I couldn't go with you. My vision is unfolding. I'm going to let it happen. Her killing me. She is going to be kicked out and I'm going to die. That's how the cookie will crumble.

I asked Brantley if Windy meant (Wendy) and she said yes. Brantley showed me a petition email that is going to be sent to Red Lodge Apartments Management about the harassment from Wendy Cole toward Gunter to include other tenants. I photographed the text messages and petition. I later entered the photographs into evidence/ report.

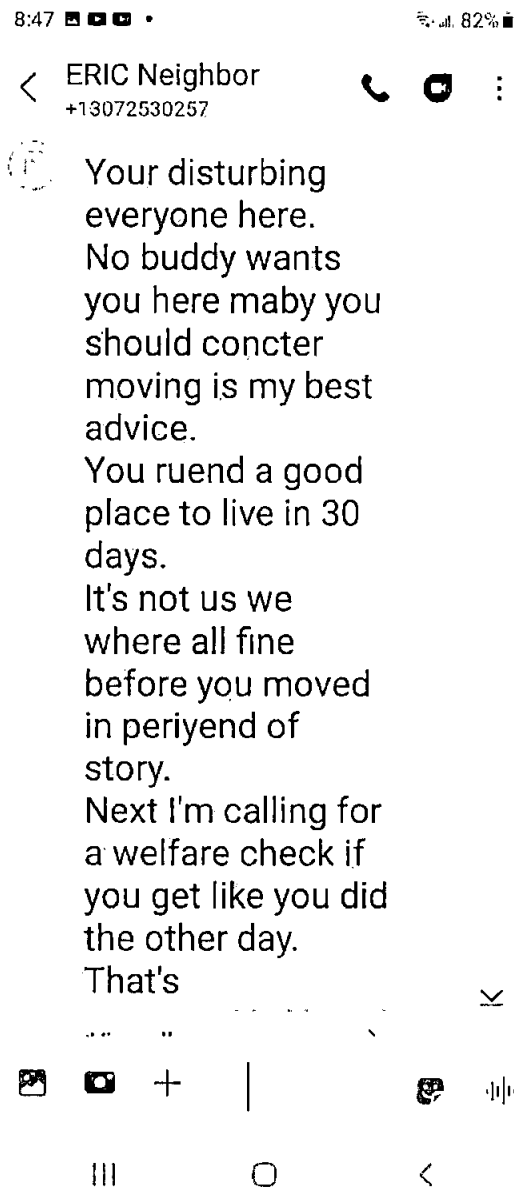
Brantley said she was concerned for Gunter's well being. Brantley said she has witnessed Wendy Cole harass both Gunter and his girlfriend (Traci). Brantley said she has seen Gunter and Traci pull up in their vehicle to apartment building (C) where Gunter lives and Wendy will start photographing and pointing at them in a harassing manner. Brantley said Gunter cant even open his bedroom window up without seeing Wendy seeing him and then recording him. Brantley said she has witnessed this multiple

I never did anything to this man but refused his sexual advances and reported his misconduct. I am not the type of person to "harass" anyone.

This is sexual harassment that was not investigated by the RLPD.



This is threatening cyberstalking and harassment that now has cost me my



health and home.

I did not deserve this.

I was and am terrified of this man and should not have to face anymore threats or retribution from law enforcement either. I was not the Appellee's only victim as his criminal history which is public record proves. The Appellee is a paranoid schizophrenic by his own admission and believes his own delusional lies.

A. RECENT ABUSE

Date of the most recent abuse: Nov-8

Who was there? windy-me and other that heard

Where did it take place? Her screaming I broke her window

What did the Respondent do or say that made you (and/or the person you want protected) afraid? She screamed and said I WAS a coward and

Did the Respondent use or threaten to use a gun or other weapon? If yes, list how: NO BUT SHE WAS SCREAMING

Describe any injuries: and mad me feel threatened because

She has half the town thinking I

Did the police come? ☒ Yes ☐ No

A bunch of time over

windy with me and other

people and the police I

think want me to put a

Restraining

order so they don't

did to much stuff to this

did I make her window

Petition for Temporary Order of Protection and Request for Hearing- AGO Form OVS 3 - Revised 02/11
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Justice Court Judge Kevin Nichols denied the Petition in November because there was no proof of any wrongdoing. The City Court granted the protection order, still with no solid evidence other than hearsay and a psychotic rant that was terrifying to me. This was a conspiracy initiated by Livingston Police as per the Public Defender, James Tomicich, to destroy my life in Red Lodge. I lived through 2 unlawful incarceration for non jailable offenses and 12 malicious charges that were all dismissed. No senior woman should have been subjected to this misogynistic abuse of authority.

In this Trumpian world, with the loss of the rule of law and disrespect for the rights of a constituent, I have been devastated emotionally and socially, with no hope left, trying to maintain my integrity. At my age to be looking at homelessness, does not give me any reason to fight anymore. I did nothing wrong to deserve this ordeal but tell the truth and report a crime. I do not have the financial resources or the mental acuity or legal wherewithal to continue to represent myself pro-se. I am afraid and I am beat down unlike I ever have been before. I am too old to do this and admit surrender.

This was the goal of Appellee, his friends, the RLPD, the City Court and the Red Lodge Apartments to do intentional harm and cause fear. I cannot manage this alone anymore. I am submitting the Opening Brief for the record, but I am unable emotionally, or financially to do all the copying, legal composition and organization as required. I am not asking for sympathy, but would like to be provided justice without fear or favor and protection from future abuse.

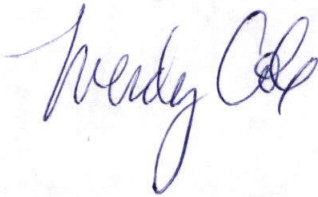
As the Appellee is representing himself pro se, and the fact that he did not respond to any motions in the District Court, it is most likely there is no objection to this motion. I am unable to contact the Appellee as there still is a standing Order of Protection from the City Court in place. Although the appeal for the Appellee's

order of protection was filed in District Court in January, there still is no disposition from the Standing Master.

Respectfully submitted,

Wendy Cole

Dated this 27th Day of May, 2025.

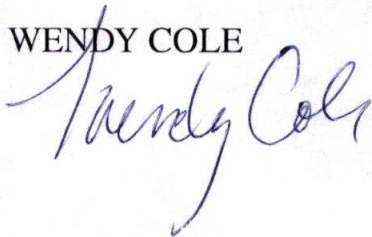


CERTIFICATE OF SERVICE

I, WENDY COLE, certify that I filed this motion with the Clerk of the MONTANA SUPREME COURT and that I have mailed a copy via USPS to the Appellee:

ERIC GUNTER
1120 S. Edick Ave., Apt. C3
Red Lodge, MT 59068

WENDY COLE



Dated this 27th Day of MAY, 2025.