

STATE OF GEORGIA

William M. Windsor,
Plaintiff

v.

Fulton County, et al
Defendants

)
)
) CIVIL ACTION NO.
)
) 2011cv206243
)
)
)

TWENTY-NINTH AFFIDAVIT OF WILLIAM M. WINDSOR

I, William M. Windsor, the undersigned, hereby declare under penalty of perjury:

1. My name is William M. Windsor (“Windsor”). I am over the age of 21, am competent to testify, and have personal knowledge of the matters stated herein.
2. I am the Petitioner in this action, and I am representing myself pro se.
3. I am not an attorney.
4. In an effort to do the best possible job as a pro se party, I have studied the applicable Federal Rules of Civil Procedure, Local Rules, the Georgia Code of Professional Conduct for attorneys, the Official Code of Georgia Annotated, certain federal statutes, the Federal Rules of Judicial Procedure, the Federal Rules of Appellate Procedure, the Code of Conduct for United States Judges, and case law. I have spent many hours studying case law on recusal.

5. This affidavit is based upon my personal knowledge.
6. In this affidavit, references to a "Docket #" refer to the docket in this Civil Action No. 2011CV206243. When a reference to an "Exhibit #" is made, refers to an Exhibit attached to this or another affidavit.
7. Every docket entry referenced herein is made a part of this Affidavit. All of my motions and responses were verified in full under oath under penalty of perjury, and all of my affidavits were also notarized, so rather than repeat all the facts again and again, I simply reference and incorporate them herein as if attached hereto, and I repeat my verification that everything I have said is true and correct based upon my personal knowledge. I say this under penalty of perjury. This affidavit is notarized. And I will take a polygraph test anywhere anytime.
8. On September 27, 2011, I went to the Office of the Clerk of the Court at the Fulton County Courthouse and I filed the Verified Complaint that was given Civil Action No. 2011CV206243 along with the Case Initiation Form. The filing fee was paid. [Docket #1 and #2.] (Exhibit 125 hereto is a true and correct copy of the Docket printed online, with my addition of numbers to reflect the order of docket entry.)

9. On September 27, 2011, I filed a MOTION FOR LEAVE OF COURT TO FILE FIRST AMENDMENT TO VERIFIED COMPLAINT TO ADD DEFENDANTS. [Docket #3.]

10. On September 29, 2011, Judge Jerry W. Baxter (“JWB”) entered an order setting a Hearing on the request for Temporary Restraining Order and Preliminary Injunction in the Verified Complaint for October 7, 2011 at 2:30 pm. [Docket #4.] I did not ask for the hearing. 10 days is unfair for a Preliminary Injunction Hearing because there should have been time for discovery, especially in an action that includes conspiracy charges as discovery is almost always necessary. (Exhibit 126 is a true and correct copy of this order.)

11. On September 29, 2011, JWB entered an order granting me leave to file an amended complaint to add additional parties. [Docket #5.] (Exhibit 127 is a true and correct copy of this order.)

12. On September 29, 2011, I filed an Amendment to the Verified Complaint. [Docket #6.]

13. On September 29, 2011, I filed a Motion for Expedited Discovery. [Docket #7.]

14. On September 30, 2011, the first Defendant was served as was the Attorney General for the State of Georgia. (Exhibits 93 and 94 to the Eighteenth

Affidavit of William M. Windsor in 2011CV206243, referenced and incorporated herein as if attached hereto.)

15. On September 30, 2011, JWB denied my Motion for Accelerated Discovery and/or a delay in the Hearing date until I could conduct discovery. This was unfair. There was no explanation in the order. In the order, JWB did say I could subpoena witnesses and require them to bring documents. [Docket #8.]

(Exhibit 128 is a true and correct copy of this order.)

16. On Friday, September 30, 2011, I filed the First Amended Verified Complaint, which provides factual background, and it is referenced and incorporated herein as if attached hereto. [Docket #9.]

17. On October 3, 2011, two Affidavits of Service were filed. [Docket #'s 10 and 11.]

18. On October 3, 2011, I filed a Motion for Recording and sixteen affidavits. [Docket #12 and Docket #'s 13-28.]

19. On October 4, 2011, the County Attorney informed me by email that the Office of the County Attorney would be representing the Defendants. (Exhibit 91 to the Eighteenth Affidavit of William M. Windsor in 2011CV206243, referenced and incorporated herein as if attached hereto.)

claim that service of subpoenas on the Defendants' Counsel of Record was inadequate, though it is provided for in the Georgia statutes. (Exhibits 92, 97, 98 to

26. On October 5, 2011, an attorney for the Defendants attempted to

and the First Amended Verified Complaint.

25. On October 6, 2011, three Defendants were served with a Summons

served with subpoenas and document requests for the October 7, 2011 Hearing.

24. On October 6, 2011, four witnesses (three of the Defendants) were

my Motion for Recording. [Docket #30.]

23. On October 5, 2011, the Defendants filed a Response in Opposition to

incorporated herein as if attached hereto.)

Twentieth Affidavit of William M. Windsor in 2011CV206243, referenced and

Summons and the First Amended Verified Complaint. (Exhibit 107 to the

22. On October 5, 2011, Defendant Steve Broadbent was served with a

served with subpoenas and document requests for the October 7, 2011 Hearing.

21. On October 5, 2011, nine witnesses (Defendants or their agents) were

of this order.)

electronics in the courtroom. [Docket #29.] (Exhibit 130 is a true and correct copy

20. On October 4, 2011, JWB entered an order granting my request to use

the Eighteenth Affidavit of William M. Windsor in 2011 CV206243, referenced

and incorporated herein as if attached hereto.)

27. On October 6, 2011, an attorney for the Defendants filed a Motion to

Quash as to one of the subpoenas.

28. On October 6, 2011, I filed a Motion to Compel Attendance by those

subpoenaed.

29. On October 6, 2011, JWB denied the Motion to Compel Attendance

by those subpoenaed without explanation. This was extremely unfair as the day

before the Hearing, he denied my right to subpoena witnesses that he had granted

on September 30 (¶17 above). (Exhibit 131 is a true and correct copy of this

order.)

30. On October 6, 2011, the Defendants filed a Brief in Opposition to my

Request for TRO and Interlocutory Injunction. [Docket #31.]

31. On October 6, 2011, the Defendants filed a Notice of Filing of

Evidence. [Docket #32.]

32. On October 6, 2011, I filed notarized verifications of the Verified

Complaint and the First Amended Verified Complaint as well as notarized copies

of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth,

Eleventh, twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Affidavits of William M. Windsor.

33. On October 7, 2011, I filed a Response to the Defendants' Brief in Opposition to my Request for TRO and Interlocutory Injunction and the Twentieth Affidavit of William M. Windsor.

34. On October 7, 2011, I filed a Motion to Strike the Defendants' Notice of Filing of Evidence and the Twenty-First Affidavit of William M. Windsor.

35. On October 7, 2011, 19 Affidavits of Service and Attempted Service were filed.

36. A Hearing on my Request for Temporary Restraining Order and Preliminary Injunction was held on October 7, 2011 in Courtroom 4D of the Fulton County Courthouse. JWB began the hearing by limiting me to only 30 minutes and denying my right to be sworn in to testify.

37. I had subpoenaed 13 witnesses and had six other witnesses who appeared in the courtroom without the necessity of subpoena. JWB indicated that he didn't care and kept me to 30 minutes. I see this as an outrageous denial of my right to be heard. I can find no case law to indicate that a judge has any such right to restrict the presentation of evidence on a hearing that HE set. From the minute JWB spoke during the Hearing, I knew how biased he was against me.

38. I brought approximately 250 exhibits to the Hearing that I was denied the opportunity to introduce as I was denied the ability to testify to authenticate the documents, and 30 minutes would not have allowed many documents to be introduced if that had been all the hearing consisted of.

39. During the Hearing, JWB made numerous comments about extra-judicial information that demonstrated his prejudice against me. JWB communicated with someone who gave him information about my federal court dealings. This is extra-judicial.

40. JWB spoke about the alleged reason that Judge Orinda D. Evans ordered \$450,000 in legal fees against me in 1:06-CV-0714-ODE in the United States District Court for the Northern District of Georgia ("NDGa"). JWB claimed that it was because I had expanded the litigation. This information does not appear anywhere in the record of this Civil Action. There is no such information in the Defendants' Notice of Filing of Original Evidence, and there is no such information in anything that I filed. It is clearly extra-judicial information that JWB obtained from outside this Civil Action. Judge Evans' orders constitute perjury and obstruction of justice as I detailed in the Second and Sixth Affidavits of William M. Windsor.

41. JWB claimed that the grand jury rejected my information and didn't want to hear from me. This information does not appear anywhere in the record of this Civil Action. There is no such information in the Defendants' Notice of Filing of Original Evidence, and there is no such information in anything that I filed. The Defendants' Brief in Opposition to Preliminary Injunction and Temporary Restraining Order does not even make an allegation of this type. This is FALSE, and this is clearly extra-judicial "information" that JWB obtained from outside this Civil Action. Either someone told him to say this, or he simply committed perjury. 42. When this Civil Action was filed, JWB apparently received a copy of a July 15, 2011 Order of Federal Judge Thomas Woodrow Thrash. This order is totally illegal, and it is filled with false and malicious statements about Windsor that are absolutely false. But JWB read that extra-judicial information and apparently decided it was true despite the fact that I filed affidavits under penalty of perjury stating that the order is false and was illegally issued. Exhibit 112 to the Twentieth Affidavit of William M. Windsor in 2011 CV 206243 (referenced and incorporated herein as if attached hereto) is a true and correct copy of the Notice of Appeal that I filed regarding Judge Thrash's outrageous permanent injunction order. It details how totally improper the order is.

43. When this Civil Action began, I sent an email to JWB's Clerk asking JWB to consider if he had a bias as a former Fulton County District Attorney. He did not respond. (Exhibit 133 hereto is a true and correct copy of this email.)

44. I learned that Judge Kelly Amanda Lee claimed that all of the judges in Fulton County had received information from the federal courts that was demeaning to me. I emailed JWB's clerk to ask if JWB had received information. He claimed he had not. I do not believe this. I believe Judge Lee's letter to me is correct and that JWB concealed the fact that he had received extra-judicial information that was negative about me. (Exhibit 50 to the First Amended Verified Complaint is a true and correct copy of this letter in 2011CV206243, referenced and incorporated herein as if attached hereto.)

45. At the end of the October 7, 2011 hearing, JWB allowed documents to be admitted into evidence by the Defendants without any authentication. JWB knows the rules, and there was no legal basis to allow an Assistant Attorney General to admit documents into evidence without a witness or any authentication. I objected, and my objection was ignored. This demonstrated the uncontrollable bias of JWB. His bias was so strong that he simply violated fundamental rules of civil procedure and due process.

46. During the October 7, 2011 hearing, JWB focused on the litigation in the federal courts which was not the subject of the Hearing and is not the subject of the First Amended Verified Complaint. The record contained extensive information to show that the actions taken in the federal courts were corrupt. For example, here are sentences in the Fifteenth Affidavit of William M. Windsor that was part of the record before JWB:

17 – “As a result of my experience, I have discovered that the federal court system in Atlanta is a corrupt operation in which the judges commit crimes on a regular basis and ignore their oath to protect our Constitutional rights. I have massive proof. I have first-hand proof of criminal acts by as many as two dozen federal judges.”

18 – “These federal judges are doing everything they can to stop me to avoid indictment, conviction, imprisonment, disgrace, and impeachment. A federal prisoner has reported that he was approached with a deal to get out of prison if he killed me. So, this may be a matter of life or death for me.”

28 – “I will be able to present evidence to you to establish that there was no legal or factual basis for any of the meaningful court orders issued involving me over the last five years. I will prove a conspiracy. I will prove hundreds of criminal violations.”

37 – “The actions of people who are federal judges in Fulton County Georgia and who are employees of the courts and offices of the Clerk of the Court of both the Northern District of Georgia (“N.D.Ga.”) and the Eleventh Circuit (“11th Cir.”) bring shame on the legal system. Defendants have conspired to violate the law and my rights and the rights of many others.”

38 – “Defendants have used their offices to commit crimes and to attempt to shield themselves and their fellow racketeers from indictment and impeachment.”

39 – “Defendants commit a wide variety of crimes and wrongdoing that are not acts that they are authorized to do in their jobs. They commit criminal acts that are specifically and undeniably prohibited in their roles.”

40 – “Defendants purporting to be judges ignore the facts; invent their own facts; ignore the Federal Rules of Civil Procedure (“FRCP”), the Local Rules (“L.R.”), and the Federal Rules of Evidence (“FRE”); ignore the law; ignore applicable case law; cite erroneous case law; commit perjury by making statements that they know to be false in their orders; violate parties’ rights in any way they can; commit obstruction of justice; deny access to the courts; and trample the Constitutional rights of litigants without a thought. They manipulate the judicial system to deprive parties such as me of their legal and Constitutional rights. They commit criminal acts without a thought.”

41 – “The judicial system supports this dishonesty and illegality. The “system” denies any form of valid recourse for an aggrieved citizen. The Judicial Council and the Chief Judges of N.D.Ga. and the 1st Circuit ignore valid complaints and claims there is no proof when there is plenty. Aggrieved citizens have no recourse. Since the Supreme Court isn’t really in the business of correcting errors by the lower courts, the N.D.Ga. and the 1st Circuit combine to have tyrannical power over citizens of Georgia.”

42 – “I am a Defendant in Civil Action No. 1:06-CV-0714-ODE in the N.D.Ga (“MIST-1”). Every statement of alleged fact in the 50-paragraph verified complaint is false as to me. Judge Evans Evans ignored the undeniable proof and ruled against me while committing a wide variety of acts of racketeering.”

43 – “Judges of the 1st Circuit issued many orders ruling against me in appeals related to MIST-1 and other civil actions while committing a wide variety of acts of racketeering and corruption.”

44 – “I am allegedly a Defendant in a so-called Civil Action No. 1:09-CV-01543-WSD in the N.D.Ga (“BOGUS ACTION”). The Federal Rules of Civil Procedure (Rules 3 and 4) require a petition and issuance and service of a summons to create a civil action, but there are neither in the BOGUS

ACTION. I have been "hijacked" and forced to be a part of a proceeding that is invalid, yet the federal courts will not do anything about it."

45 – "There are many irregularities with the BOGUS ACTION. Acts of racketeering and wrongdoing have been committed by Judge Evans, Judge William S. Duffey, the U.S. Attorney's Office, the Office of the Clerk of the Court of both the N.D.Ga and the 11th Circuit as well as many of the judges with the 11th Circuit."

46 – "The BOGUS ACTION has been a kangaroo court filled with the widest variety of racketeering. The BOGUS ACTION has been orchestrated to conceal obstruction of justice and criminal violations by Judge Evans and others."

47 – "I have had approximately \$1,500,000.00 'stolen' from me in the guise of lawsuits (MIST-1 and the BOGUS ACTION)."

48 – "I am Plaintiff in Civil Action 1:09-CV-02027-WSD ("MIST-2"), an action in which Judge Duffey has taken the term Kangaroo Court to a whole new level. Obstruction of justice, perjury, subornation of perjury, and other acts of racketeering are already proven with the contents of the dockets in MIST-1, the BOGUS ACTION, MIST-2, and all related appeals, referenced and incorporated herein as if attached hereto."

49 – "Defendants violate the Local Civil Rules for the N.D.Ga and 11th Circuit, the Federal Rules of Civil Procedure ("FRCP"), the Federal Rules of Appellate Procedure ("FRAP"), the Code of Judicial Conduct ("CJC"), and civil and criminal statutes routinely."

50 – "Upon information and belief, the Clerks of the Courts of the N.D.Ga and 11th Circuit and their staffs function according to many of the rules with most clients represented by attorneys. But the Clerks of the Courts of the N.D.Ga and 11th Circuit and their staffs also operate a criminal enterprise from their legitimate federal offices in any matter pertaining to me and other pro se parties."

51 – “The criminal acts and improper acts of various Defendants are mind bogging. The proof is all in the record.”

52 – “Upon information and belief, the Defendants could care less about the law when it comes to pro se parties and parties seeking to expose the federal courts for corruption.”

53 – “Defendants have directed judicial employees to violate the law and the rules for the purpose of damaging me and others. Documents presented for filing have disappeared. Notices of Appeals have never been filed. I have proof of all types of illegal activities regarding the court dockets, civil actions presented for filing, documents presented for filing, changes to the dockets, backdating of docket entries, and more. I have proof of collusion between the office of the clerk and N.D.Ga Defendant judges.”

54 – “Judge Duffey and Judge Evans are pathological liars who have committed massive perjury.”

55 – “The clerks of the courts simply ignore letters from me about their wrongdoing and the wrongdoing of their staffs.”

56 – “Chief Judges Julie Carnes and Joel Dubina ignore criminal acts of the federal judges in Atlanta as has every federal judge who has considered undeniable judicial misconduct charges filed by me against Judge Evans.”

57 – “I presented criminal charges against 11 federal judges in Fulton County to the Fulton County District Attorney, Mr. Howard, and he did nothing and has aided the racketeering enterprise. I presented similar information to the U.S. Attorney’s Office, and they ignored the overwhelming proof and have aided the racketeering enterprise.”

58 – “On May 12, 2011, I was notified by a known radio talk show host that a federal prisoner was approached by the U.S. government with a deal to infiltrate organizations of people battling government corruption, and my assassination was mentioned. Upon information and belief, Defendants would be involved in this, if the report is correct.”

59 – “Judge Thomas Woodrow Thrash is a criminal who commits racketeering crimes that he is not allowed to commit as a federal judge. He illegally uses the office of a federal judge to participate in the operation of the corrupt criminal enterprise operated by the federal courts in Fulton County, Georgia. Every federal judge who I have had dealings with in Fulton County Georgia has proven to be corrupt. Every time a new so-called judge appears, they commit similar criminal acts. Upon information and belief, every federal judge in Fulton County Georgia is a participant in the racketeering enterprise.”

60 – “Since 2006, federal court employees in Fulton County, Georgia have conspired to damage me, and a number of civil and criminal violations have been committed. Defendants have denied my Constitutional rights so as to obstruct justice. Defendants have ignored the facts, ignored the law, cited erroneous case law, cited case law that does not support the subject of the citation. Orders have been issued that contained false statements and perjury. Defendants acting as judges have sanctioned and suborned perjury by the Plaintiffs in MIST-1 and their attorneys. This has been done to obstruct justice. Defendants have denied my access to the courts to obstruct justice. Judge Dubina and Judge Julie Carnes ignored the wrongdoing of Judge Evans and Judge Duffey to sanction obstruction of justice. The BOGUS ACTION was manufactured to obstruct justice and damage me. Documents and evidence presented to the office of the clerks of the court have intentionally disappeared – tampering with evidence. Upon information and belief, documents and evidence have been tampered with. Upon information and belief, docket entries have been entered and changed to obstruct justice. A judgment and writ of execution were entered to obstruct justice and damage me. I have been repeatedly denied subpoenas to obstruct justice. I have been denied the ability to obtain testimony from others so as to obstruct justice. The clerks of the court have ignored communications from me so as to obstruct justice. I have been denied copies of my court records so as to obstruct justice. A variety of actions have been taken by defendants to obstruct justice and shield Judge Evans and Judge Duffey from potential indictment and impeachment. Judges have committed perjury. Documents have been concealed to obstruct justice. Laws and rules have been violated to obstruct justice. Orders have been issued to obstruct justice. Valid motions have been denied to obstruct

justice. The right to file motions has been denied to obstruct justice. I have been denied the ability to serve as an agent for my wife pursuant to a power of attorney to obstruct justice. I have been libeled to obstruct justice. Judges have refused to recuse themselves to obstruct justice. Judge Duffey falsely claimed documents were not provided to him so he could obstruct justice and damage me. Judges have claimed my appeals have been frivolous to obstruct justice. Judges have not properly handled various filings to obstruct justice. Judges ignore emergency motions to obstruct justice. The appeals of my wife and myself are not processed promptly or at all to obstruct justice. Judge Duffey issued an order to compel to obstruct justice and damage me. Defendants have failed to file civil actions presented by me for filing in order to obstruct justice. Mr. Hatten's staff has given false information to me to obstruct justice. Judges have issued various orders to obstruct justice. Judge Evans and Judge Duffey have refused to honor case law that established binding precedents on what happens when an appeal is filed; this has been done to obstruct justice. Mr. Hatten and/or his staff have taken money from my wife and me for services and have failed to provide the services. My wife's filings have been held for months to obstruct justice. Judge Duffey is accusing me of violating court orders, committing forgery, and committing the unauthorized practice of law for the purpose of damaging me and to obstruct justice. It is possible that one or more of the Defendants may be attempting to have me killed to obstruct justice. Someone has directed the staff of the clerk of the court to commit various acts that violate my rights and obstruct justice."

So, JWB ignored the only admissible evidence before him and dismissed the case on the basis of extra-judicial "information." He took the position that the federal judges were right and I was wrong. He has no legal right to take such a position. He did this because of his undeniable extra-judicial bias against me.

47. It was obvious to me and to others that JWB had made up his mind to hurt me before the Hearing ever began. The Affidavit of Sabrina Felton states this. (Exhibit 133 hereto is a true and correct copy of the Affidavit of Sabrina Felton)

dated October 10, 2011.) There are others who can testify to this, including Ed Dort, Jeff Goolsby, and at least two other people in the courtroom who observed what happened and discussed this with some of the people who were there as courtroom observers for me.

48. During the October 7, 2011 hearing, JWB said how busy he is with murder trials and other serious matters, and he indicated that my Constitutional rights were not worthy of his time. This demonstrated his outrageous bias.

49. JWB ignored the fact that the Defendants' Attorneys made many false and malicious statements in their motions and responses, and nothing that they ever filed was supported by affidavit or verification. This demonstrated his

uncontrollable bias.

50. O.C.G.A. 9-11-43(b) provides that when a motion is based on facts not appearing of record, the court may hear the matter on affidavits presented by the respective parties, but the court may direct that the matter be heard wholly or partly on oral testimony or depositions; provided, however, that this provision shall not limit the right of parties to use depositions where they would otherwise be entitled to do so. This statute makes it clear that any facts not in the record have to be presented by affidavit, oral testimony, or deposition.

51. The Defendants presented no testimony, no depositions, filed no affidavits, and did not put any evidence into the record except in cross-examination, a letter from Dr. Herbert J. Bridgewater that was already Exhibit 12 to the First Amended Verified Complaint in 2011CV206243, referenced and incorporated herein as if attached hereto.

52. The Defendants had no facts or evidence before the Court.

53. Before the Court, I had two verified complaints, seven verified motions, and 22 affidavits sworn under penalty of perjury before a notary in the record before the court as well as 117 authenticated exhibits.

54. I advised the Court that I had just filed a Response to the Defendants' Brief in Opposition to my Request for a Preliminary Injunction and a Motion to Strike the Notice of Filing of Evidence. JWB ignored this and immediately announced his ruling dismissing this Civil Action.

55. JWB concluded the hearing by rudely and highly prejudicially admonishing me to "get a life!" JWB said it with hatred in his face. This was an amazing demonstration of his extreme bias.

56. The October 7, 2011 Hearing was a Kangaroo Court. I was suddenly limited to 30 minutes after communicating to JWB days before that I anticipated the hearing would last for several days. (Exhibit 157 hereto is a true and correct

copy of an email exchange between JWB's staff and me on October 2 and 3, 2011.) I was denied the right to be sworn in to testify. The time limit made it impossible for me to present the evidence that I spent days assembling and copying. JWB refused to require subpoenaed witnesses to honor their validly-served subpoenas. JWB ignored the facts and the law and immediately ruled against me and dismissed the case with no warning whatsoever. Upon information and belief, the October 7, 2011 ORDER was written before the Hearing was held. Everything that was done was a manifestation of JWB's extra-judicial bias.

57. At 4:59 pm on Friday, October 7, 2011, I received the so-called "Final ORDER." (A true and correct copy of the October 7, 2011 4:59 pm ORDER received by email from David Chamberlain, JWB's Clerk, is Exhibit 134 hereto.) (A true and correct copy of the email that accompanied the October 7, 2011 4:59 pm Order is Exhibit 135 hereto.)

58. On October 8 and 9, 2011, I researched Georgia law. I determined that I needed to file a motion to recuse within five days from October 7, 2011. I also determined that I needed to file a motion requesting findings of fact and law. I prepared these and other documents, and I signed them before a notary on Tuesday, October 11, 2011.

59. On Tuesday, October 11, 2011, I emailed copies of the filings to

Judge Baxter's Chambers and to the County Attorneys involved.

60. On Tuesday, October 11, 2011, I retained Courier Connection to have

a courier deliver the 12 documents to the Office of the Clerk of the Fulton County Superior Court. The Clerk's Office refused to accept the documents. The Office of the Fulton County Superior Court Clerk has restrained Windsor through denial

of access to the filing process. Exhibit 161 hereto is a true and correct copy of the

cover letter that was returned with all of the documents and a copy of the October

7, 2011 ORDER that the Office of the Clerk of the Court gave to the courier with

Courier Connection as the reason the documents were refused. Exhibit 162 hereto

is a true and correct copy of Courier Connection email confirmations that the

documents were refused.

61. I spoke with Vendell Brown, Al Clark, various unnamed people who

answered various Fulton County phones, David Chamberlain, Shae Alexander, and

others trying to get my documents accepted. All refused and came up with various

stories as to why they were being refused. Vendell Brown, Al Clark, and David

Chamberlain said it was because the October 7, 2011 ORDER prohibited it, which

it clearly does not do.

62. I faxed and called R. David Ware and Chief Judge Cynthia Wright as I was told they had advised the Clerk that I had no right to file anything in a "closed case." I know that to be false. I researched "closed case" on www.versuslaw.com, and I found no case at all that denied anyone the right to file motions and notices after a judge enters an order. Neither Mr. Ware nor Chief Judge Wright have extended the courtesy or legal obligation of a return call.

63. I paid for Courier Connection to make three or four attempts to get someone to accept the documents. They finally returned the documents to me at approximately 6 pm.

64. During all of this, I did additional research on filing, and I obtained additional case law citations which state that receipt by the Clerk constitutes filing. So, I prepared a cover letter to Al Clark detailing that and advising him that when he read the first words of my letter, my documents were filed. I then organized everything, prepared an additional motion and affidavit, and I raced to federal Express to get the box there before the 8 pm deadline. My documents and the cover letter to Mr. Al Clark were shipped on Fed Ex Airbill 875855799378. Exhibit 163 hereto contains true and correct copies of the Federal Express documentation including proof of delivery and a signature showing receipt on

October 12, 2011. Exhibit 164 hereto contains a true and correct copy of the cover letter sent to Mr. Al Clark.

65. I spent the rest of the evening and until about 4 am researching habeas corpus. I determined that I can take a Petition for Writ of habeas Corpus to a judge at the Fulton County Superior Court.

66. This application for Writ of Habeas Corpus is in writing, signed by the Petitioner and another person.

67. The person whose liberty is restrained is me, William M. Windsor ("Windsor").

68. The persons restraining me are Office of the Fulton County Superior Court Clerk, Judge Jerry W. Baxter, the Office of the Fulton County Sheriff's Department, and the Office of the Fulton County District Attorney (jointly "VIOLATORS").

69. The mode of restraint by Judge Baxter is a wrongful court order dated October 7, 2011 in Civil Action 2011CV206243. The mode of restraint by the Office of the Fulton County Superior Court Clerk is denial of access to the filing process. The mode of restraint by the Office of the Fulton County District Attorney is a Criminal Trespass Warning.

70. The place of restraint is the Fulton County Courthouse, the Fulton County Courts, the filing desks in the Office of the Clerk of the Fulton County Superior Court, and the areas outside the Fulton County District Attorney's Offices in the Fulton County Courthouse at 136 Pryor Street, Atlanta, GA 30303.

71. The cause or pretense of the restraint with Judge Baxter is the October 7, 2011 Order by Judge Baxter (Exhibit 134 to the Twenty-Ninth Affidavit of William M. Windsor) and oral communication to others by Judge Baxter, and David Chamberlain and Cristina Schnizler of Judge Baxter's staff.

72. The cause or pretense of the restraint with the Office of the Fulton County Superior Court Clerk is communication to Windsor and his agent on October 11, 2011 by Vendell Brown, Al Clark, and Shae Alexander allegedly after Cynthia Wright.

73. The cause or pretense of the restraint with the Office of the Fulton County District Attorney is a true and correct copy of the Criminal Trespass Warrant issued to Windsor on August 30, 2011 (Exhibit 34 hereto).

74. The cause or pretense of the restraint with the Office of the Fulton County Sheriff's Department are threats of arrest if Windsor speaks or enters public elevator lobbies in the courthouse.

WHY THE WRIT OF HABEAS CORPUS IS SOUGHT

75. Windsor is the victim of arbitrary and vindictive actions by the

VIOLATORS.

76. Georgia Constitution, Article 1, Paragraph I: *Life, liberty, and*

property. No person shall be deprived of life, liberty, or property except by due process of law. This state has long recognized that "[t]he right to be heard in

matters affecting one's life, liberty, or property is one of the essential elements of

due process of law. [Cits.]" *Southern R. Co. v. Town of Temple*, 209 Ga. 722, 724

(1) (75 SE2d 554) (1953). JUDGE BAXTER has denied Windsor's opportunity to

be heard and many other forms of due process prior to depriving Windsor of

liberty and property.

77. Georgia Constitution, Article 1, Paragraph II: *Protection to person*

and property; equal protection. Protection to person and property is the paramount

duty of government and shall be impartial and complete. No person shall be

denied the equal protection of the laws. But Windsor is denied equal protection of

the law because the VIOLATORS give special privileges to Fulton County, its

operating entities, and its employees as well as law enforcement personnel and

federal judges and judicial personnel.

78. Georgia Constitution, Article I, Paragraph V: *Freedom of speech and of the press guaranteed.* No law shall be passed to curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish sentiments on all subjects but shall be responsible for the abuse of that liberty. Windsor has been denied freedom of speech by each of the VIOLATORS.

79. Georgia Constitution, Article I, Paragraph IX: *Right to assemble and petition.* The people have the right to assemble peaceably for their common good and to apply by petition or remonstrance to those vested with the powers of government for redress of grievances. Windsor has been denied this right by each of the VIOLATORS.

80. Georgia Constitution, Article I, Paragraph XXIX: *Enumeration of rights not denial of others.* The enumeration of rights contained as a part of this Constitution shall not be construed to deny to the people any inherent rights which they may have hitherto enjoyed. Windsor has been denied common law rights and fundamental rights by each of the VIOLATORS.

81. Common Law: *Right of access to the courts.* No person shall be deprived of the right of access to the courts of this state. The denial of access to the courts is a violation of due process. Windsor has been denied this right by each of the VIOLATORS.

82. Windsor's rights under the U.S. Constitution, Bill of Rights, and

statutes have been similarly violated.

HOW JUDGE BAXTER HAS WRONGFULLY RESTRAINED WINDSOR

83. Judge Baxter entered a wrongful court order ("ORDER") in Civil

Action 2011CV206243 in the Fulton County Superior Court. He did this following

a Kangaroo Court "hearing."

84. The ORDER violated many of Windsor's rights and wrongfully

restrained him from any access to the Fulton County courts.

85. The ORDER is contrary to the evidence and justice. The ORDER is

contrary to law. JUDGE BAXTER illegally admitted evidence. JUDGE

BAXTER illegally denied evidence. JUDGE BAXTER denied Windsor due

process. JUDGE BAXTER illegally dismissed the case sua sponte. JUDGE

BAXTER converted the October 7, 2011 Hearing to a Summary Judgment, and

Windsor was denied due process. JUDGE BAXTER entered a filing injunction

without notice or an opportunity to be heard, and the permanent injunction has

closed the courthouse doors to Windsor.

86. While the ORDER does not deny filings in 2011CV206243, JUDGE

BAXTER had his staff direct the Office of the Clerk of the Court to refuse any and all filings of any type from Windsor. The filings that were rejected multiple times

by the Office of the Clerk of the Court on October 11, 2011 includes a time-sensitive filing moving JUDGE BAXTER to make findings of fact and conclusions of law and amend the October 7, 2011 ORDER accordingly and a Motion to recuse that has to be filed within 5 days after entry of the ORDER. Unless it gets filed, Windsor will lose a vital legal right.

87. Complete details of the wrongful ORDER are provided in the MOTION FOR RECONSIDERATION OF OCTOBER 7, 2011 ORDER AND MOTION FOR FINDING OF FACTS AND CONCLUSIONS OF LAW, AND MOTION FOR NEW TRIAL, a true and correct copy of which is Exhibit 159 hereto and Exhibit 123. Additional important information about the wrongful and illegal acts of JUDGE BAXTER are provided in the EMERGENCY MOTION TO REUSE JUDGE JERRY W. BAXTER, a true and correct copy of which is attached hereto as Exhibit 160.

88. The due process violations by JUDGE BAXTER will be absolutely shocking to an honest judge.

89. JUDGE BAXTER dismissed Windsor's case in 2011 CV 206243 by declaring it frivolous at the Preliminary Injunction Hearing on October 7, 2011.

Windsor's Complaint is not frivolous. There is basis for the action in both fact and law.

90. JUDGE BAXTER claimed judicial notice of facts disputed by extensive sworn testimony. Windsor was given no notice that JUDGE BAXTER was going to claim judicial notice, and this violates due process.

91. The Defendants were allowed to admit exhibits at the Hearing, but there was no witness to authenticate the exhibits, and they were not certified. JUDGE BAXTER violated the law by allowing them to be admitted.

92. JUDGE BAXTER denied Windsor's right to testify.

93. JUDGE BAXTER limited Windsor to 30 minutes at the Hearing, which made it impossible for Windsor to present the evidence that he planned, admit the documents that he prepared, call the witnesses who appeared voluntarily, and seek to compel the attendance of subpoenaed witnesses who failed to appear.

94. JUDGE BAXTER had no legal basis to enter filing restrictions without notice and an opportunity to be heard. That was Windsor's right. Windsor's causes of action are a property interest that cannot be denied without due process, but they have been.

"Both the Georgia and United States Constitutions prohibit the state from depriving 'any person of life, liberty, or property, without due process of law;' United States Const., amend. XIV, sec. 1; see also Ga. Const., [Art. I, Sec. I, Par. I]. The fundamental idea of due process is notice and an opportunity to be heard."

As stated in *Citizens &c. Bank v. Maddox*, "[t]he benefit of notice and a hearing

before judgment is not a matter of grace, but is one of right. "A party's cause

of action is a property interest that cannot be denied without due process. (Ct.)"

Judgment vacated in Case Number A98A1631. Appeal dismissed in Case Number

A98A1689. Ruffin, J., concurs; Pope, P.J., concurs specially. (*In re Law Suits*, 235

Ga.App. 551, 510 S.E.2d 91 (Ga.App. 12/02/1998).) [**emphasis added**.]

95. JUDGE BAXTER dismissed Windsor's case sua sponte. Judges may

dismiss cases sua sponte only when the cases are **appropriate**. This is not one of

those cases.

"[a] trial court has inherent authority to dismiss sua sponte a complaint in an

appropriate case." (*Georgia Receivables v. Williams*, 218 Ga. App. 313 (2) (461

SE2d 280) (1995). See OCGA § 15-6-9 (8); *Smith v. Adamson*, 226 Ga. App. 698,

699 (2) (487 SE2d 386) (1997).)

96. JUDGE BAXTER's sole citation is *Smith v. Adamson*, and it does

not apply in any manner. The dismissal was allowed in *Smith v. Adamson*

because "The courtroom is not the proper forum to initiate or try impeachment

proceedings." Windsor has no cause of action for impeachment.

97. Windsor has researched every Georgia case in *versuslaw.com*, and

there are 14 cases from a search of "dismiss" w/5 "sua sponte." Seven cases were

affirmed, and seven cases were reversed. Based upon this research, the only “appropriate cases” for dismissal sua sponte are attempted impeachment proceedings in a court, statute of limitations, failure to file affidavits, late filing of a caveat to a will, no effort to serve a defendant, only potential secondary liability on a fraud claim, and failure of the only witness to show up for the trial. None of these apply to 2011CV206243. See the Twenty-Ninth Affidavit of William M. Windsor, Exhibit A hereto.

98. There was no notice to Windsor that JUDGE BAXTER would consider dismissing the case. JUDGE BAXTER clearly considered matters outside the pleadings. Therefore, the proceeding became a summary judgment proceeding, but Windsor did not have a reasonable opportunity to present all material made pertinent for a summary judgment.

99. Windsor filed financial information with JUDGE BAXTER that proved he does not have the ability to post a bond as all of his money has been “stolen” in the federal courts. Exhibit 104 to the Twenty-Ninth Affidavit of William M. Windsor is Windsor’s Affidavit filed with the federal court, and Exhibit 105 is Windsor’s financial statement. By ordering a \$50,000 bond, JUDGE BAXTER has closed the courthouse doors to Windsor as he has no way to pay. This violates Windsor’s Constitutional rights.

100. Extensive case law provides that filing injunctions may not be issued without notice and an opportunity to be heard. Windsor had neither.

**HOW THE FULTON COUNTY DISTRICT ATTORNEY AND
FULTON COUNTY SHERIFF'S DEPARTMENT HAVE WRONGFULLY
RESTRAINED WINDSOR**

101. Ms. Cynthia Nwokocha of the Fulton County District Attorney's Office illegally restrained Windsor from access to the public elevator lobby outside the District Attorney's office in the Fulton County Courthouse. She did this by issuing a Criminal Trespass Warning with no justification whatsoever. Exhibit 34 to the Twenty-Ninth Affidavit of William M. Windsor is the Criminal Trespass Warning.

102. The Fulton County Sheriff's Department has wrongfully restrained Windsor by threatening him with arrest if he speaks to a grand juror.

103. The Fulton County District Attorney's Office and the Fulton County Sheriff's Department have committed the crimes of jury tampering, obstruction of justice, and more. This is detailed in the FIRST AMENDED VERIFIED

COMPLAINT in 2011 CV 206243, Exhibit 0 to the Twenty-Ninth Affidavit of

William M. Windsor.

**HOW THE OFFICE OF THE CLERK OF THE FULTON COUNTY
SUPERIOR COURT HAS WRONGFULLY RESTRAINED WINDSOR**

104. On October 11, 2011, I had a courier deliver 12 documents at the Filing Window in the Office of the Clerk of the Fulton County Superior Court. The Clerk's Office refused to accept the documents. The Office of the Fulton County Superior Court Clerk has restrained me through denial of access to the filing process. Exhibit 161 hereto is a true and correct copy of the cover letter that was returned with all of the documents and a copy of the October 7, 2011 ORDER that the Office of the Clerk of the Court gave to the courier with Courier Connection as the reason the documents were refused. Exhibit 162 hereto is a true and correct copy of Courier Connection email confirmations that the documents were refused.

105. My Emergency Motion to Recuse Judge Baxter must be filed by October 12, 2011, or I will lose that right. Other legal deadlines are October 27 and November 6. If those dates pass, I will forever lose additional legal rights.

106. The VIOLATORS have done all of this specifically and intentionally to deny any and all rights to me as part of their attempts to keep their criminal racketeering enterprise and crimes from being exposed. I have undeniable proof of crimes by federal judges in Atlanta, and now he has similar proof with employees of Fulton County.

107. The judge who considers this Petition for Habeas Corpus must act to protect my rights. I have undeniable proof and witnesses to be presented at the hearing on this Petition. I believe most of the judges in Fulton County are corrupt; he prays that this Petition gets heard by an honest judge.

108. Prejudice and bias may be either for or against. In the instant action, there is both. Jerry W. Baxter ("JWB") has a pervasive antagonistic bias toward me. JWB has a pervasive bias in favor of the Defendants.

109. I have had approximately \$1,500,000.00 "stolen" from me in the guise of lawsuits in the United States District Court for the Northern District of Georgia. I have undeniable proof of the wrongdoing and criminal acts involved.

110. The criminal acts and improper acts of various federal judges and judicial personnel are mind boggling. Significant proof is in the record that was cited for JWB. (See the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, and Twelfth Affidavits of William M. Windsor.) (See the Twenty-First Affidavit of William M. Windsor and Exhibits 108 to 115 thereto in 2011CV206243, referenced and incorporated herein as if attached hereto.)

111. JWB purported to issue filing restrictions against me in the October 7, 2011 Order though there was no notice and no hearing as required by absolutely binding court precedents that a real judge would have to honor. This proves

prejudice because the binding precedents require due process -- both notice and a hearing. (See Exhibit 134.)

112. JWB also purportedly ordered me to post a cash bond or surety bond

that I do not have the ability to post though there was no notice, no hearing, and no inquiry into ability to pay as required by absolutely binding court precedents that an impartial judge would have to honor. JWB was made aware of the fact that I have essentially no money, have a negative net worth of approximately

\$1,250,000, and am unable to post a bond. This proves prejudice because JWB issued the order knowing I could not comply. This enabled him to deny my

Constitutional rights and serve the illegal needs of the Defendants' racketeering enterprise in a most significant way. (See Exhibit 134 hereto.)

113. On October 10, 2011, I filed a Motion to Recuse Judge Jerry W.

Baxter.

114. JWB must be removed/recused/disqualified from the above entitled

matter pursuant to Rule 25 of the Uniform Superior Court Rules ("USCR"),

Canons 1, 2, and 3 of the Code of Judicial Conduct, all other relevant statutory and case law, as well as the First, Fifth, Eighth, and Fourteenth Amendments to the

United States Constitution, the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Constitution of the State of Georgia, and the Court's

inherent powers. I move for recusal of JWB from all further proceedings in these matters. The filing and presentation of this Motion to Recuse is taking place not later than five (5) days after I first learned of the grounds for disqualification at the Hearing on October 7, 2011.

115. As required by USCR Rule 25.2, the accompanying affidavit attached to the Motion to Recuse clearly state the facts and reasons for the belief that bias or prejudice exists, being definite and specific as to time, place, persons and circumstances of extra-judicial conduct or statements, which demonstrate bias in favor of the Defendants and federal judges and prejudice against me in particular, and a systematic pattern of prejudicial conduct toward persons similarly situated to the moving party, which would influence the judge and impede or prevent impartiality in that action.

116. My Motion to Recuse meets the requirements of USCR Rule 25. [(1)] The motion is timely; [(2)] the Affidavit is legal sufficient; and [(3)] assuming any of the facts alleged in the affidavit to be true, recusal is warranted.

117. JWB is now obligated to have another judge hear this motion.

118. Prejudice and bias may be either for or against. In the instant action, there is both. JWB has antagonistic bias toward me. JWB has a prejudice in favor of the Defendants and fellow judges.

stated that my conduct in this Court includes "voluminous, meritless filings." This

122. JWB committed perjury in his October 7, 2011 ORDER. JWB has

facts and inventing his own facts.

of the public record. JWB proved his extra-judicial bias against me by ignoring the

defamed me in his October 7, 2011 ORDER and made his void of impartiality part

121. There was no affidavit from anyone but me before JWB when he

testified to it in great detail in the affidavits that I had filed.

information that he knew I said was false. I made that clear at the Hearing, and I

the court. This was clearly extra-judicial information that fed his bias. It was also

my federal court litigation that was not anywhere to be found in the record before

that has come from outside the case. At the Hearing, JWB made statements about

120. JWB had a preconceived idea about me personally from information

and what took place at the Hearing.

2011 Order is illegal and totally unfounded. JWB's bias is apparent in his Order

Fulton County. JWB did not demonstrate impartiality or fairness. His October 7,

wanted to damage me to stop me from exposing corruption in the legal system in

accept the truth that he was obligated to accept, and issued an order because he

October 7, 2011 that did not provide me the opportunity to be heard, refused to

119. Plain and simple, JWB violated my rights, held a bogus hearing on

is false and is easily proven false by the record. Other than the Verified Complaint and First Amended Verified Complaint, I filed the following (five motions, 16 pages):

- a. Motion for Leave of court to file First Amendment to Verified Complaint to add Defendants. This was 1 1/2 pages, and the motion was

GRANTED.

- b. Motion for Expedited Discovery. This was 3 1/2 pages.
- c. Motion for Electronics in Courtroom. This was 2 pages, and the motion was GRANTED.

- d. Motion for Recording. This was 2 1/2 pages.
- e. Motion to Compel Attendance by those subpoenaed. This was 6 1/2 pages.

123. I filed the following responses to motions and filings of the Defendants (4 documents, 72 pages):

- a. Reply to Response in Opposition to Motion for Recording. This was 12 pages.

- b. Response to Motion to Quash. This was 20 pages.
- c. Response to the Defendants' Brief in Opposition to Windsor's Request for TRIO and Interlocutory Injunction. This was 24 pages.

d. Response to the Defendants' Notice of Filing of Evidence. This was 16½ pages.

124. 88 pages doth not voluminous make.

125. JWB did not object to any of these filings in his orders. There was nothing remotely improper with any of these filings. (See Exhibits 126 to 131 hereto.)

126. I also filed sworn affidavits with evidence. No judge can have a valid objection to evidence. I filed the evidence so that all affidavits presented to the Grand Jury would be part of the record and so no one could stop me from getting significant evidence into the record.

127. No honest judge could say this was voluminous. And there was nothing at all meriteless in anything that I filed. Nothing was controverted, so my facts were the only facts before the Court.

128. JWB's October 7, 2011 ORDER is one big obstruction of justice. He cites one and only one case for justification for sua sponte dismissal, and the case does not apply. In fact, there has never been a case in the Georgia appellate courts that would justify such a dismissal. Exhibit 136 hereto is the citation to every Georgia appellate case returned by a search of "dismiss" within 5 words of "sua sponte," and none of them have facts anything like this case.

130. JWB claimed he considered the entire record, as well as the argument and testimony at the hearing and decided the case was frivolous. This is perjury. JWB knows the case isn't frivolous. He lied. If he considered the record, he could only consider my sworn evidence as the Defendants had no admissible evidence and no affidavits or testimony of any type. My sworn testimony established that

Emergency Motion to Recuse.)

referenced and incorporated herein as if attached hereto.) (See paragraph 15 in the October 11, 2011 and the Twenty-Second Affidavit of William M. Windsor, were. (See the Motion for Reconsideration of the October 7, 2011 ORDER filed on disputed. In addition, court documents have to be certified, and none of these noticed, and I made it clear in affidavits and at the Hearing that all of that was in other lawsuits, but such issues are a matter of proof that cannot be judicially 7, 2011 ORDER indicates that he was justifying his order based upon information opportunity to be heard on whether judicial notice could be taken. JWB's October are not matters known to the judge. In addition, I was not given notice or an do not constitute knowledge of the general public, are not reference material, and to be known by JWB, and judicial notice may not be taken. The previous lawsuits notice" of previous lawsuits, but the rules and the case law on judicial notice have 129. In the October 7, 2011 ORDER, JWB claims he can take "judicial

plaintiffs.

information and belied, attorney JWB has a bias against all non-attorney pro se antagonism against anyone who would have the audacity to sue judges. Upon 132. JWB has demonstrated to me that he has a deep-seated bias and

to the Twentieth Affidavit of William M. Windsor.) action. This means I can never file another civil action. (See Exhibits 104 and 105 \$50,000 bond, and JWB ordered such a bond as a prerequisite to any future civil me. JWB was aware from my sworn affidavits that I could not possibly post a 131. JWB's October 7, 2011 ORDER has closed the courthouse doors to

solely due to extra-judicial bias.

Defendants and federal judges to never let this Civil Action proceed. This was happened in this Civil Action. He based it on his need and the need of the judicial bias. JWB did not issue the October 7, 2011 ORDER based upon what crimes by the Office of the Clerk of the Court; and more. This proves his extra-justice, jury tampering, abuse of process, and more by Defendants; theft of mail; criminal racketeering by the Defendants; crimes against me of obstruction of preceded my submissions to the Grand Jury. My sworn testimony detailed every fact in the First Amended Verified Complaint must be taken as true. My sworn testimony explained the crimes and wrongdoing in the federal courts that

133. JWB has an unfavorable opinion about me that is wrongful and inappropriate. It is undeserved, and it rests upon information that JWB ought not to possess. It is excessive in degree.

134. I have not been treated fairly by JWB. JWB has not demonstrated the impartiality required of a judge. The October 7, 2011 Order issued by JWB shows this. (Exhibit 134 hereto.)

135. Canon 3 (E) of the Code of Judicial Conduct should be considered in determining whether an affidavit supporting a motion to recuse is legally sufficient and sets forth facts that, if true, warrant recusal. Canon 3 (E) (a) provides, in pertinent part: "Judges shall disqualify themselves in any proceeding in which their impartiality might reasonably be questioned, including but not limited to instances where . . . the judge has a personal bias or prejudice . . ."

136. JWB entered this civil action with a closed mind and complete and total bias against me.

137. The Motion for Recusal asks for recusal/removal/disqualification of JWB based on a number of grounds: (1) Obvious bias against me and, at the very least, the appearance of impartiality; (2) violation of the Code of Judicial Conduct; (3) violation of my rights to due process and Constitutional and civil rights; (4) the

fact that JWB will now be a material witness, and I am seeking to add him as a Defendant, and more.

138. The bias of JWB is intense.

139. An objective observer, lay observer, and/or disinterested observer must entertain significant doubt of the impartiality of JWB.

140. If we apply the reasonable person analysis to this situation, any reasonable person would question the impartiality of JWB.

141. The actions of JWB displayed deep-seated and unequivocal antagonism that would render fair judgment impossible.

142. The average reasonable person, knowing all the facts, would easily conclude that JWB's impartiality could be questioned, that JWB cannot possibly give me a fair and impartial hearing, and that he should be removed and replaced by an impartial judge.

143. My Affidavit of Prejudice states very clearly the facts and reasons for the belief that bias and prejudice exists. Dates, times, places, circumstances, and statements are itemized. This is PERSONAL bias by JWB, not judicial bias. He has a bias against me that is not caused by anything that happened between the

time the Civil Action was filed on September 27, 2011 and the Hearing on October 7, 2011. I had never heard of JWB before September 27, and we never saw each

other or spoke before the October 7 Hearing.

144. JWB established a clearly fixed view about substantive pending trial matters, so this must raise concerns about the "appearance of propriety," a standard that must be safeguarded under applicable recusal law. Upon information and belied, JWB had ex-parte conversations with people about me.

145. JWB has established a position in this proceeding that I must not be allowed to accomplish anything as JWB must shield the evil-doers.

146. JWB used a tone of "disdain and contempt" at the Hearing. He expressed in his behavior that he basically was not listening to the argument and that I could have stopped arguing before he began. When JWB concluded the hearing by telling me to "get a life," he proved that his bias against me was extreme, extra-judicial, and was focused on what I have been attempting to do prior to this Civil Action. JWB made it crystal clear that he disapproved of me personally. JWB's focus on extra-judicial matters showed no focus whatsoever on the relevant issues before the Court.

147. Canon 2 of the Code of Judicial Conduct ("CJC") provides: "A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

148. JWB has ignored everything that he is sworn to protect. He has demonstrated a complete, total void of impartiality.

149. Canon 3E requires that "Judges shall disqualify themselves in any proceeding in which their impartiality might reasonably be questioned. . . ." JWB failed to disqualify himself as he was required to do.

150. JWB prejudged me as a person. He decided I needed to be eliminated because I have been fighting for justice against federal judges.

151. JWB's bias is extra-judicial. The October 7, 2011 ORDER proves that JWB has been fixated on information from the federal courts that is not relevant to the issues before the Court in this matter.

152. JWB decided how he would rule from information other than what he learned in this case. The bias is so intense that I never had a chance due to the

personal prejudgment of me the person. JWB decided I was a legal threat to his judicial and legal friends and associates, so he devised a scheme to stop me. Once JWB decided he had to stop me, the law, and the case did not matter.

JWB did not actually rule on the merits of the case because those merits are unquestionable as explained in the Twenty-Second Affidavit of William M.

Windsor.

153. The fact that his impartiality "might reasonably be questioned" requires disqualification. Those are the magic words for disqualification, but the fact is there is no question in the world that JWB completely and totally lacks any semblance of impartiality. He should be removed from office as a judge.

154. The manner in which JWB handled the October 7, 2011 Hearing, statements he made, and his ruling warrant recusal. His conduct, statements, and ruling came from extra-judicial sources.

155. JWB has violated my civil and Constitutional rights under color of law.

156. I cannot be given a fair trial. JWB denied me a fair trial in the October 7, 2011 Hearing and his ORDER.

157. The due process clauses of both the Georgia and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases.

158. JWB has effectively denied my rights of the equal protection under the law under Article VI of the Constitution.

159. JWB's actions prove that he has exercised his power in this civil action for his own personal purposes rather than the will of the law.

160. The October 7, 2011 ORDER issued by JWB deprives me of rights to which I am entitled under the Rules of Civil Procedure, Georgia law, the Georgia Constitution, and the United States Constitution. The October 7, 2011 ORDER deprives me of freedom of speech, due process, and the right to petition government for a redress of grievances.

161. JWB has violated my Constitutional rights.

162. For due process and to secure my Constitutional rights, judges may not take the law into their own hands. But this is precisely what JWB has done. JWB has ignored the law, ignored the facts, taken absolutely erroneous legal positions, used inapplicable law, and abused and disadvantaged me.

163. 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. JWB has violated my rights by using his power to inflict his bias.

164. For due process, I have the right to protections expressly created in statute and case law. JWB has violated my rights by using his power to ignore facts and the law.

165. Due process allegedly ensures that the government will respect all of a person's legal rights and guarantee fundamental fairness and justice. JWB's actions have violated my rights and denied justice.

166. Due process holds the government subservient to the law of the land, protecting individual persons from the state. JWB has violated this trust.

167. 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. JWB has interfered with the process and violated rules for the purpose of damaging me.

168. An inherent Constitutional right is the honesty of the judge. JWB has not been honest. JWB has been dishonest.

169. The Constitution guarantees me a fair and impartial judge. JWB denied my guarantee to inflict his extra-judicial bias.

170. Due process guarantees basic fairness and to make people feel that they have been treated fairly. I have not been treated fairly.

171. The Emergency Motion to Recuse JWB is procedurally adequate. This is a proper application for a change of judge.

172. The Court must then consider "whether impartiality might reasonably be questioned."

173. The test is clearly whether the impartiality of the court might reasonably be questioned by people other than the judge in question, or even other judges.
174. This motion challenges actions and comments by JWB that are both out of this civil action and in this civil action.
175. The Supreme Court has made it absolutely clear that the source of the impartiality of the court need not necessarily stem from an extra-judicial source.
176. As many courts have noted, the appearance of impartiality by judges does not harm only those parties appearing before the court in that instance, but undercuts the public perception of all judges.
177. As a matter of law, as the Supreme Court has said, the question is whether the remarks of the court "reveal such a high degree of favoritism or antagonism as to make fair judgment impossible." JWB is totally biased against me, and he is extremely antagonistic.
178. I ask that the Court handle this motion on an emergency basis because my rights have been seriously infringed, and time is of the essence.
179. Canon 2 of the Code of Conduct for United States Judges tells judges to "avoid impropriety and the appearance of impropriety in all activities, on the bench and off." JWB has demonstrated his prejudice by violating this Canon.

185. All I want are my Constitutional rights. I will not get them with JWB.

possess. It is excessive in degree.

inappropriate. It is undeserved, and it rests upon knowledge that JWB ought not to

184. JWB has an unfavorable opinion about me that is wrongful and

agenda.

predicate acts. JWB doesn't seem to care about the facts because he has his own

upon the courts and a RICO action in which I have already proven hundreds of

183. JWB was told under oath by me that this is the case of a massive fraud

doesn't care about the facts and doesn't want to consider the facts.

evidence as is needed to prove each of my claims. It is obvious to me that JWB

impartial with an open mind to listen to the facts and review as much of the

Defendants is overwhelming to him. All I want is to have someone fair and

friendship with the Defendants, but it is clear to me that his prejudice for the

commitment to his oath as a judge would be more important to him than his

182. JWB is friends with some of the Defendants. I hoped that JWB's

the law.

181. JWB has effectively denied my rights of the equal protection under

action for his own personal purposes rather than the will of the law.

180. JWB's actions prove that he has exercised his power in this civil

186. In my filings, I stated emphatically under oath under penalty of perjury before a notary that the Defendants committed all types of illegal, criminal conduct against me. JWB had no basis whatsoever to discount anything that I swore, but he obviously ignored it all. This proves prejudice because no fair, impartial "judge" could read the sworn statements of fact based upon my personal knowledge and not be legally obligated to accept that everything I said was true. There is nothing in the judicial oath of office, Code of Judicial Conduct, or Rules that permit a judge to ignore the facts, so prejudice is absolutely established.

187. When a jury hears what happened in this case, I will prevail at trial.

188. My Affidavit of Prejudice states the facts and the reasons for the belief that bias and prejudice exist. The reasons for the belief are material and stated with particularity.

189. My affidavit meets the time requirement. I am filing my EMERGENCY MOTION within five days after JWB demonstrated his bias and prejudice at the October 7, 2011 Hearing.

190. The bias and antagonism of JWB unfairly prejudice me in this civil action.

191. JWM was obligated to accept my uncontroverted statements as fact, but he ignored this most fundamental obligation of a judge.

192. JWB has had extra-judicial communications with a person or persons

who I believe are part of the criminal racketeering enterprise that is one of the

issues in this Civil Action. I need to call JWB as a witness to determine who said what, when, where, and why. I have also filed a motion to add Judge Jerry W. Baxter as a Defendant. This requires recusal for two additional reasons pursuant to

the Code of Judicial Conduct.

193. All facts in the Motion to Recuse are true and accurate to the best of

my knowledge.

FURTHER SAITH AFFIANT NOT.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that

the foregoing is true and correct.

Executed this 12th day of October 2011.

William M. Windsor

William M. Windsor

Sworn to before me, this 12th day of October 2011.

Beverly A. Morman

Notary Public

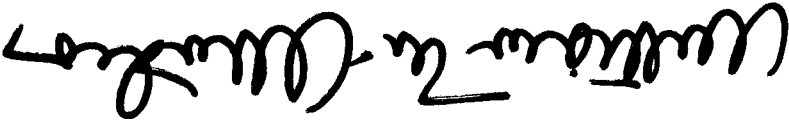


CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing by electronic mail and by depositing a true and correct copy of the same in the United States mail, proper postage affixed thereto, addressed as follows:

Lanna Renee Hill
R. David Ware
Kaye Woodward Burrell
Jerolyn Webb Ferrari
Eddie Snelling, Jr.
Office of the Fulton County Attorney
141 Pryor Street, Suite 4038 -- Atlanta, GA 30303
404-612-0246 -- Fax: 404-730-6324
Lanna.hill@fultoncountyga.gov

This 12th day of October, 2011.



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