

No.

In The Supreme Court of the State of Georgia

In re WILLIAM M. WINDSOR

WILLIAM M. WINDSOR,

Petitioner

v.

Judge Jerry W. Baxter,
Fulton County, Office of the Fulton County, District Attorney, Paul Howard, Jr.,
Cynthia Nwokocha, Naomi Fudge, Rebecca Keel, Waverly Settles, Lieutenant
English, Deputy Betts, Deputy Roye, Steve Broadbent, and Unknown Does,

Respondents

On Petition for Writ of Habeas Corpus

To The Fulton County Superior Court

PETITION FOR WRIT OF HABEAS CORPUS

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PETITION FOR WRIT OF HABEAS CORPUS

Comes Now Plaintiff William M. Windsor (“Windsor” or “Petitioner”), and applies for a Writ of Habeas Corpus. Windsor has been restrained of his liberty. Windsor seeks habeas corpus due to the illegality of the restraints.

Windsor has been restrained of his liberty as a result of an order by Fulton County Superior Court Judge Jerry W. Baxter, a Criminal Trespass Warning by the Office of the Fulton County District Attorney as well as other restraints, and by the actions of the Office of the Fulton County Superior Court Clerk.

Windsor seeks a Writ of Habeas Corpus to inquire into the illegality of the restraints so as to safeguard Windsor’s individual freedom against further arbitrary state action.

FACTUAL BACKGROUND

1. The factual background is detailed in the Twenty-Ninth Affidavit of William M. Windsor attached hereto, referenced and incorporated herein. See paragraphs 8 to 65.

BASIC INFORMATION REQUIRED FOR APPLICATION

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

3. The person whose liberty is restrained is William M. Windsor (“Windsor”).

4. The persons restraining Windsor 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”).

5. 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.

6. 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.

7. 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.

8. 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 communication with Judge Baxter, David Chamberlain, R. David Ware, and Judge Cynthia Wright.

9. 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 to the Twenty-Ninth Affidavit of William M. Windsor).

10. 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

11. Windsor is the victim of arbitrary and vindictive actions by the VIOLATORS.

12. 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.

13. 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.

14. Georgia Constitution, Article 1, 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.

15. Georgia Constitution, Article 1, 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.

16. Georgia Constitution, Article 1, 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.

17. 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.

18. Windsor's rights under the U.S. Constitution, Bill of Rights, and statutes have been similarly violated.

HOW JUDGE BAXTER HAS WRONGFULLY RESTRAINED WINDSOR

19. 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."

20. The ORDER violated many of Windsor's rights and wrongfully restrained him from any access to the Fulton County courts.

21. 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.

22. 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. Paragraphs 59 to 64 in the Twenty-Ninth Affidavit of William M. Windsor provide the details and reference exhibits thereto. 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.

23. 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 attached to the Twenty-Ninth Affidavit of William M. Windsor as Exhibit 159 and the Twenty-Second Affidavit of William M. Windsor (Exhibit 123). Additional important information about the wrongful and illegal acts of JUDGE BAXTER are provided in the EMERGENCY MOTION TO RECUSE JUDGE JERRY W. BAXTER, a true and correct copy of which is attached to the Twenty-Ninth Affidavit of William M. Windsor as Exhibit 160.

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

25. JUDGE BAXTER dismissed Windsor's case in 2011CV206243 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.

26. 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.

27. 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.

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

29. 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.

30. 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.* (Cit.)" 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.**]

31. 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).)

32. 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.

33. 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.

34. 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.

35. 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.

36. 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**

37. Ms. Cynthia Nwokocho 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.

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

39. 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 2011CV206243, 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

40. On October 11, 2011, Windsor 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 Windsor through denial of access to the filing process. Paragraphs 59 to 64 of the Twenty-Ninth Affidavit of William M. Windsor explain what took place. Exhibit 161 to the Twenty-Ninth Affidavit

of William M. Windsor 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 to the Twenty-Ninth Affidavit of William M. Windsor is a true and correct copy of Courier Connection email confirmations that the documents were refused.

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

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

43. The judge who considers this Petition for Habeas Corpus must act to protect Windsor's rights. Windsor has undeniable proof and witnesses to be presented at the hearing on this Petition. Windsor believes most of the judges in

Fulton County are corrupt; he prays that this Petition gets heard by an honest judge.

WHEREFORE, Windsor prays as follows:

- a. that an order be issued restraining the Fulton County Superior Court and Judge Jerry W. Baxter from interfering with any filings by William M. Windsor;
- b. that a Writ of Habeas Corpus be issued; and
- c. that the Court grant such other and further relief as justice requires in association with this Motion.

Submitted this 12th day of October, 2011.



William M. Windsor

Pro Se

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VERIFICATION OF WILLIAM M. WINDSOR

Personally appeared before me, the undersigned Notary Public duly authorized to administer oaths, William M. Windsor, who after being duly sworn deposes and states that he is authorized to make this verification on behalf of himself and that the facts alleged in the foregoing are true and correct based upon his personal knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

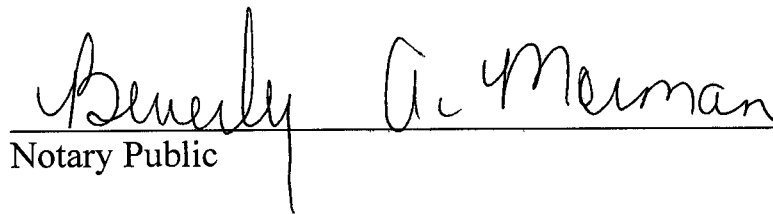
In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 12th day of October, 2011.



William M. Windsor

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


Notary Public



CERTIFICATE OF COMPLIANCE

I hereby certify that this pleading has been prepared in Times New Roman
14-point font.

A handwritten signature in black ink, appearing to read "William M. Windsor". The signature is written in a cursive style with a horizontal line underneath it.

William M. Windsor

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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.
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This 13th day of October, 2011.



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