

CAUSE NO. 14-158

STATE OF TEXAS

V

WILLIAM M. WINDSOR

§ JUDICIAL DISTRICT COURT

§

§ ELLIS COUNTY TEXAS

MOTION TO CANCEL HEARING OR MOTION FOR CONTINUANCE

Now comes William M. Windsor (“Windsor”) and makes this Motion to Cancel Hearing or Motion for Continuance, and shows the Court as follows:

FACTUAL BACKGROUND

1. On December 19, 2014, this Court released Windsor from the Ellis County Jail.
2. On December 19, 2014, the Court told Windsor to turn himself in to authorities in Montana or be at a hearing in this Court on January 21, 2015. The Court discussed Windsor’s severe claustrophobia and encouraged Windsor to go to Montana to avoid a cross-country trip in chains.
3. On December 19, 2014, the Ellis County Jail released Windsor without having him sign anything except a receipt for his money balance and a receipt for his clothes. Windsor wrote to the Court to ask whether the Personal Recognizance Bond is valid since he was told he would need to sign bond paperwork at the jail.
4. There were no restrictions placed on Windsor’s travel except that he voluntarily agreed to turn his passport over to the Court.
5. On December 19, 2014, Windsor told this Court that he was working on retaining an attorney in Montana.
6. On December 19, 2014, Windsor filed motions and a notice with the Court showing his mailing address for legal mail in this case to be “P.O. Box 150325, Dallas, TX 75315, 770-578-1094, windsorinjail@yahoo.com.

7. On December 19, 2014, Windsor filed his passport with the Clerk of the Court.

8. In December, Windsor sent several open records requests and other letters to the Clerk of the Court, the Ellis County Sheriff's Department, and the Ellis County District Attorney. Each showed "P.O. Box 150325, Dallas, TX 75315, 770-578-1094, windsorinjail@yahoo.com.

9. On December 28, 2014, Windsor emailed a letter to Jennifer Clark, Chief Deputy District Attorney in Missoula Montana, and to the District Attorney there. Windsor requested copies of any and all documents relevant to the Bench Warrant that is part of the documents in this case. Windsor requested copies of anything sent to or received from the Offices of the Governors in Montana and/or Texas. There was no response from Jennifer Clark or the District Attorney.

10. On December 29, 2014, Windsor made contact with the law firm in Missoula, Montana that he wants to represent him. Windsor explained that he was coming to Montana to turn himself in.

11. On December 29, 2014 at approximately 11:00 am, Windsor went to the United States Post Office, obtained a new key for PO Box 150325 since his key disappeared during his incarceration, and picked up all mail that had been held. Windsor reviewed the mail while waiting for the new key, and there were only two envelopes from Ellis County. Both were receipts from Melanie Reed, the Clerk of the Court. There was no mail from the Court, the District Attorney, or the State of Texas. Windsor has received no phone calls from this Court or the State. Windsor had not received any emails from this Court or the State.

12. On December 29, 2014, Windsor packed up and headed out of Texas.

13. On December 29, 2014, Windsor was told by a sibling that there may be a hearing scheduled in this matter on October 30, 2013.

14. On December 29, 2014 just moments before 5:00 pm, Windsor called and spoke with this Court's coordinator, Melissa. She informed Windsor that the State had requested a hearing. Windsor told her that he would be unable to attend, and he told her that he had received absolutely no notice of the hearing.

15. On December 30, 2013, Windsor is in another state, and he has no plans to return to Texas. He is headed to Montana as discussed with this Court.

16. Windsor was illegally arrested, illegally incarcerated, illegally denied bond, and illegally denied discharge after 30 days by the Ellis County District Attorney and Ellis County Sheriff's Department. He was illegally held for 53 days.

ARGUMENT

A. THE STATE HAS A LEGAL OBLIGATION TO PROVIDE NOTICE OF A HEARING TO WINDSOR, AND THE STATE FAILED TO DO SO.

17. Windsor received no notice of a hearing.

18. The State violated the law and Windsor's rights in failing to provide notice.

B. THERE IS NO CASE AGAINST WINDSOR IN TEXAS ANYMORE, SO THIS COURT HAS NO JURISDICTION.

19. Windsor allegedly has a bench warrant from Montana. Windsor is not charged with any crime in Texas. This Court had jurisdiction over Windsor solely in regard to extradition.

20. Windsor is no longer in Texas; he is en route to Montana where he will turn himself in to the authorities, accompanied by his Montana attorney.

C. WINDSOR HAS SPOKEN WITH A LAW FIRM IN MISSOULA MONTANA TO REPRESENT HIM, AND HE MUST NOW WAIT TO HAVE HIS ATTORNEY

SPEAK FOR HIM AND HANDLE ANY AND ALL LEGAL MATTERS INVOLVING THE BENCH WARRANT.

21. Windsor has spoken with a law firm in Missoula Montana. As soon as he signs a representation agreement, this firm will represent him and speak for him.

22. Windsor has the right to remain silent, and he intends to now remain silent and let his attorney speak on his behalf. The attorney who Windsor has been waiting to retain has been in a lengthy murder trial, and he has been unable to work with Windsor.

23. The attorney is in the process of being retained and has a conference scheduled with Windsor on October 30, 2014.

D. THERE IS APPARENTLY NO REASON FOR A HEARING EXCEPT TO DENY WINDSOR THE RIGHT TO GO TO MONTANA AND TURN HIMSELF IN AS WAS DISCUSSED WITH THIS COURT AS WINDSOR'S PLAN.

24. The District Attorney has knowingly lied to this Court, and he has knowingly violated a host of laws in causing Windsor to be held without bond for 53 days in the Ellis County Jail.

E. WINDSOR ASKS THE COURT TO ALLOW HIM TO CHECK-OUT OF THE MARRIOTT COURTYARD IN RICHARDSON, TEXAS.

25. Windsor did not check-out of the hotel as the Court told him he needed a Texas address. Windsor would like to stop the expense. If the Court needs a new Texas address, Windsor may be reached c/o Juanita Edgecomb, 306 Sixth Street, Waxahachie, TX 75165.

CONCLUSION

26. This alleged hearing is improper for the reasons cited above. Windsor is out of state, on his way to turn himself in to authorities in Montana, and he cannot attend or participate

in a hearing that he was not given notice of by service from the District Attorney or the Clerk of the Court. As discussed with this Court on December 19, 2014, Windsor intends to turn himself in to the authorities in Montana prior to January 21, 2015, the date that this Court set for Windsor to appear again in this Court. If this Court wishes to speak with Windsor, he asks that the Court wait until Windsor has finalized his Montana representation.

PRAYER

WHEREFORE, Windsor prays that this Court:

- a. cancel the Hearing allegedly scheduled for December 30, 2014, or in the alternative, continue it until January 21, 2015;
- b. order that this Court no longer has jurisdiction in this matter as Windsor has left Texas;
- c. order that this Court must honor Windsor's choice to remain silent;
- d. order that this Court must give Windsor the opportunity to retain Montana counsel;
- e. order that, if there is a Public Recognizance Bond in place, it will be released if Windsor turns himself in to authorities in Montana prior to January 21, 2015;
- f. order that Windsor may check-out of the Marriott Courtyard;
- g. sanction the District Attorney for failure to provide notice to Windsor; and
- h. grant any other relief that this Court deems just and proper.

Submitted this 30th day of December, 2014,

William M. Windsor

William M. Windsor

PO Box 150325, Dallas, Texas 75315, 7790-578-1094, email: windsorinmontana@yahoo.com

VERIFICATION

I, William M. Windsor, declare under penalty of perjury that, according to information and belief, the foregoing information and allegations in this Motion are true and correct.

Signed on December 30, 2014,

William M. Windsor

William M. Windsor

CERTIFICATE OF SERVICE

Windsor has sent a copy of this Motion by mail to the District Attorney, 109 S. Jackson Street, Waxahachie, Texas 75165.

Signed on December 30, 2014,

William M. Windsor

William M. Windsor