

APPEAL NO. 10-14-000401-CR

EX PARTE WILLIAM M. WINDSOR § TENTH COURT OF APPEALS
§
§ STATE OF TEXAS

Appeal from the 443rd Judicial District Court
Ellis County Texas
Judge Cindy Ermatinger
Case #14-158

APPELLANT'S BRIEF

William M. Windsor, Appellant
110 East Center Street #1213
Madison, South Dakota 57062
770-578-1094
Email: windsorinmontana@yahoo.com

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IDENTITY OF PARTIES AND COUNSEL

William M. Windsor, Appellant
110 East Center Street #1213
Madison, South Dakota 57062
770-578-1094
Email: windsorinmontana@yahoo.com

State of Texas, Appellee
Ellis County Texas District Attorney Patrick Wilson
109 S. Jackson Street
Waxahachie, Texas 75165

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STATEMENT OF THE CASE

William M. Windsor has filed three appeals that have been consolidated under this Appeal Number. This case involves an attempt to extradite William M. Windsor to Montana for violation of an alleged protective order due to a Tweet that included the name Sean Boushie, publication of two legal documents that contained the name Sean Boushie, a required legal service email to the general counsel for the University of Montana, and the fact that William M. Windsor had not given Sean Boushie Windsor's TV show website exposing Sean Boushie and the University of Montana.

William M. Windsor was detained by the Ellis County Texas Sheriff's Department on October 28, 2014. He appeared before an Ellis County Texas Magistrate on October 29, 2014. He attempted to file a petition for writ of habeas corpus on November 18, 2014, but the Clerk of the Court refused to file it claiming it was sent to the wrong court. Judge Cindy Ermatinger conducted a hearing on November 21, 2014 and issued a "Warrant Pending Order." She refused to address William M. Windsor's petition for writ of habeas corpus as she said she did not have jurisdiction. Judge Cindy Ermatinger conducted a hearing on November 28, 2014, and she accepted William M. Windsor's petition for writ of habeas corpus, but said she did not have jurisdiction to consider it. Judge Cindy Ermatinger conducted a hearing on December 5, 2014, and she denied bail. William M.

Windsor filed a Notice of Appeal on December 17, 2014. Judge Cindy Ermatinger conducted a hearing on December 19, 2014, and she denied the First Amended Petition for Writ of Habeas Corpus, but she released William M. Windsor on an alleged PR Bond. William M. Windsor filed a Notice of Appeal on December 19, 2014. Judge Cindy Ermatinger conducted a hearing on December 30, 2014 without notice to William M. Windsor, and she revoked the alleged PR Bond and ordered William M. Windsor to surrender. William M. Windsor filed a Notice of Appeal on January 12, 2015.

STATEMENT REGARDING ORAL ARGUMENT

William M. Windsor does not seek an oral argument. Oral argument should not be permitted as it cannot offer anything that would aid the Court's decisional process.

ISSUES PRESENTED

William M. Windsor presents the following issues in his three appeals:

ISSUE #1: Was William M. Windsor was illegally detained and incarcerated in the Ellis County Texas Jail?

ISSUE #2: Were William M. Windsor's rights violated when he was not read his rights?

ISSUE #3: Should William M. Windsor have been released by the Ellis County Texas Magistrate on October 29, 2014 when there was no finding of probable cause?

ISSUE #4: Was William M. Windsor illegally denied bail from October 29 to December 19, 2014?

ISSUE #5: Did William M. Windsor and do all people detained on extradition in Texas have a right to a Texas bond, not a bond from the state seeking to extradite them?

ISSUE #6: Was William M. Windsor illegally denied discharge pursuant to Texas Code of Criminal Procedure (“TCCrP”) Article 51?

ISSUE #7: Is William M. Windsor ordered discharged effective November 27, 2014 and should all subsequent orders and bonds issued in connection with his commitment be vacated?

ISSUE #8: Was William M. Windsor denied due process, denied use of a law library, denied filing of his petition for writ of habeas corpus, and denied action by a judge on the petition for writ of habeas corpus?

ISSUE #9: Is the lack of access to a law library in the Ellis County Jail a violation of Constitutional rights?

ISSUE #10: Was the bond of \$100,000 that was allegedly set excessive?

ISSUE #11: Did Ellis County Texas violate the cruel and unusual punishments clause of the Eighth Amendment of the United States Constitution?

ISSUE #12: Did Ellis County Texas Judge Cindy Ermatinger violate William M. Windsor's rights when she told him that she did not have the authority to hear a petition for writ of habeas corpus or deal with bond?

ISSUE #13: Did the Ellis County Texas Clerk of Court violate William M. Windsor's rights when she refused to file his petition writ of habeas corpus?

ISSUE #14: Is the alleged PR Bond of December 19, 2014 invalid as it was not fully executed?

ISSUE #15: Did Ellis County Texas Judge Cindy Ermatinger not have jurisdiction over William M. Windsor on December 30, 2014?

ISSUE #16: Did Ellis County Texas fail to serve William M. Windsor with notice of the December 30, 2014 hearing as required by law?

ISSUE #17: Are any actions taken at the hearing on December 30, 2014 null and void?

ISSUE #18: Has William M. Windsor been illegally restrained in his liberty by the State of Texas?

ISSUE #19: Should the relief requested in the petitions for writ of habeas corpus be granted?

STATEMENT-OF-FACTS

1. William M. Windsor was incarcerated in the Ellis County Texas Jail from October 28, 2014 to December 19, 2014.
2. William M. Windsor was denied access to a law library and legal resources and tools most of that time.
3. William M. Windsor is 66-years-old. Prior to October 28, 2014, he had never been arrested, had never been charged with a crime, and had never been in jail. He does not even have a traffic or parking ticket in over 14 years. He has never committed a crime. He has never used drugs, and he is a non-violent law-abiding citizen. He has never shot anything but a target.
4. William M. Windsor began work on a documentary film titled “Lawless America” in February 2012. Shortly thereafter, he began being harassed, threatened, and cyberstalked by Sean Boushie, an employee of the University of Montana in Missoula, Montana.
5. Over the next 19 months, Sean Boushie threatened William M. Windsor with bodily harm dozens of times. Sean Boushie posted many hundreds of statements about William M. Windsor on various websites, sent dozens of stalking emails to him, and he ignored 24 cease and desist notices from him. Sean Boushie published outrageous defamatory statements.

6. A number of other people began viciously defaming William M. Windsor because he filmed people they hated or because he dropped them from the movie due to dishonesty or some other issue.

7. The haters joined together on the Ellis County Texas website, Joeyisalittlekid.blogspot.com. The defamation is of gargantuan proportions.

8. On June 12, 2013, William M. Windsor's wife of 42 years divorced him out of fear that she, their children, or grandchildren would be killed by the people attacking him.

9. In early August 2013, William M. Windsor drove to Missoula, Montana to film an expose about Sean Boushie, the University of Montana, and the cover-up of Sean Boushie's crimes.

10. As William M. Windsor drove from Butte to Missoula Montana, a car ahead and to the right of his burst into flames and smoke. When William M. Windsor reached his hotel that evening, he received an email from Sean Boushie saying he had shot at him, missed, and hit the car next to him.

11. William M. Windsor reported the shooting and other crimes of Sean Boushie to law enforcement, but no one did anything.

12. William M. Windsor attempted to get protective orders against Sean Boushie, but the courts denied them in a manner that told him that the courts were intentionally protecting Sean Boushie.

13. On or about August 23, 2013, while completing filming at the center of the University of Montana campus, William M. Windsor was served with a Temporary Order of Protection in favor of Sean Boushie. It was obtained based on outrageous lies by Sean Boushie. William M. Windsor did nothing but film while in Missoula. [Appendix-Exhibit-19 is a true and correct copy of this Temporary Order of Protection (“TOP”).]

14. There was never a hearing to try to convert the TOP to a permanent order, and the TOP expired.

15. On December 26, 2013, William M. Windsor drove to Ellis County Texas where he filed a lawsuit against his haters. It was case number 88611 in the 40th Judicial District Court in Ellis County Texas. William M. Windsor is the plaintiff. There are 16 named defendants and 1,000 unnamed defendants.

16. William M. Windsor left Montana on or about August 27, 2013, and he has never returned.

17. Case #88611 moved slowly before Ellis County Texas Judge Bob Carroll.

18. On October 28, 2014, William M. Windsor was in the 40th Judicial District Court in Waxahachie Texas for a hearing in Case #88611. He was surprised to see Ellis County Texas District Attorney Patrick Wilson and Ellis

County Texas Sheriff Johnny Brown in the audience for the hearing as well as a small army of Ellis County Texas Sheriff's Deputies.

19. William M. Windsor was detained on October 28, 2014 at approximately 5:30 pm by the Ellis County Texas Sheriff's Department as he left the courtroom. He was informed that there was a warrant from Montana. He was not told that he was under arrest, and he was not read his rights.

20. William M. Windsor was taken to the Ellis County Texas Jail. He was not given any paperwork or explanation as to why he was there. He was not asked to prove his identity. His personal property was taken from him, which included his laptop and flash drive. [Appendix-Exhibit-2 is a true and correct copy of the Statement of Deputy Sheriff Matt Overcash that was prepared at that time.]

21. William M. Windsor was told he had a \$100,000 bond for "violations of a protective order." No details were given.

22. William M. Windsor was not given a phone call for eight-and-a-half hours. He was kept in the Ellis County Texas Jail Booking Area where he discussed his situation with several sheriff's deputies and several Booking Staff officers. William M. Windsor was never read his rights.

23. At 2:00 am on October 29, 2014, William M. Windsor was given a phone call. It was too late to reach anyone, and the telephones at the Ellis County Texas Jail do not allow a message to be left on voice mail.

24. When the Ellis County Texas bail bond companies opened later that morning, William M. Windsor contacted a bondsman who said he would provide the bond.

25. A corporal in Ellis County Texas Jail Booking Department contacted someone in Montana who said a Texas bond would not be accepted. William M. Windsor informed Booking that he would not waive extradition; he would challenge it.

26. At 10:21 am on October 29, 2014, William M. Windsor appeared before an Ellis County Texas Magistrate. He was not given the opportunity to speak. He received no explanation about his rights in regard to habeas corpus. The Ellis County Texas Magistrate told him that his bond was set at \$100,000. The hearing was neither recorded nor videotaped. William M. Windsor was not told that he had the right to contest the "arrest." No time was set for a writ of habeas corpus. He was never told that he had such a right. He was not directed to a court of record for the purpose of obtaining such a writ.

27. William M. Windsor told Booking that his bond was set by the Ellis County Texas Magistrate at \$100,000. He was told that a Texas bond would not be accepted. The Ellis County Texas Magistrate did not say that he was setting a Montana bond. Appendix-Exhibit-3 is a true and correct copy of the document

that the Ellis County Texas Magistrate directed William M. Windsor to sign at the end of the time before him. This document says "Texas."

28. The Ellis County Texas Jail Booking Staff provided a list of Missoula Montana bonding companies. William M. Windsor contacted Brad of "Your Bondsman." He made a payment by credit card. Brad told him that he would go to the court there on October 30, 2014 and present the bond.

29. Late in the afternoon of October 30, 2014, Brad called the Ellis County Texas Jail Booking Staff and told an officer and William M. Windsor that the authorities in Montana refused to accept a \$100,000 bond from the local bonding company that they deal with regularly.

30. William M. Windsor was then moved from the Ellis County Texas Jail Booking Area to a "O" Tank. While in Booking, he was exposed to Staph and MRSA.

31. William M. Windsor tried unsuccessfully to reach an attorney or anyone, but the Ellis County Texas Jail telephones are blocked to most attorneys, will not reach many cellphones, and cannot leave voice mails.

32. William M. Windsor repeatedly requested access to the Law Library, but the Ellis County Texas Jail does not have one, and his requests went unanswered or were denied.

33. William M. Windsor arranged for someone to come to the Ellis County jail to retrieve his personal property. The Jail refused to release the laptop and flash drive saying they were evidence for Montana.

34. On November 6, 2014, William M. Windsor was taken by surprise from his jail cell in a striped inmate uniform and handcuffs to the Ellis County Texas 40th Judicial District Court. He was very sick. Ellis County Texas Judge Bob Carroll refused to order a stay to suspend activity in Case 88611 until he was well, had files with which to work, and was released from jail. Ellis County Texas Judge Bob Carroll ruled against him, and he was given deadlines of November 13 and 20, 2014 for filings and hearings.

35. William M. Windsor began hand-printing hundreds of pages using only his memory and the files he had with him when he was taken to the Ellis County Texas Jail. Not granting a stay was unthinkable and resulted in significant violation of rights.

36. On November 7, 2014, William M. Windsor was transported by car to the Ellis County Courthouse where he was given two hours of legal research. He researched TCCrP Article 51 and Texas case law regarding extradition.

37. William M. Windsor read Article 51 and immediately realized that the law had been violated many times.

38. William M. Windsor requested regular access to the Law Library, but his requests were not granted or were denied.

39. On or about November 18, 2014, William M. Windsor hand wrote a Petition for Writ of Habeas Corpus seeking to be released due to illegal incarceration, and he mailed it to the Clerk of the Court of Ellis County Texas. This was returned unfiled 7 days later. [A true and correct copy of this unfiled petition is Appendix-Exhibit-4.]

40. On November 20, 2014, William M. Windsor was again taken in a striped uniform and handcuffs to the Ellis County Texas 40th Judicial District Court. His motions for stays were denied. He was forced to argue a major motion without true preparation. He was given very little time to present his case.

41. On November 21, 2014, William M. Windsor appeared before Ellis County Texas Judge Cindy Ermatinger of the Ellis County District Court. He thought it would be a hearing on his habeas corpus petition, but it was to ask if he wanted to waive extradition. He refused. He asked why his Texas bond was refused, and Ellis County Texas Judge Ermatinger said she didn't know and could do nothing about it. (Appendix-Exhibit-6, Page 7 Lines 10-18, Page 8 Lines 2-6, Page 9 Lines 3-13, Page 13 Lines 6-25, Page 14 Lines 1-25, page 15 Lines 1-17.) [A true and correct copy of the Transcript of this Hearing is Appendix-Exhibit-6.]

42. William M. Windsor obtained a copy of “everything in the District Attorney’s file” at the November 21, 2014 hearing. True and correct copies of these are Bench Warrant from Montana - Appendix-Exhibit-1; Statement prepared by the Ellis County Texas Sheriff’s Deputy Matt Overcash - Appendix-Exhibit-2; Document prepared by the Ellis County Texas Magistrate - Appendix-Exhibit-3. Assistant Ellis County Texas District Attorney Jake Heffernan stated at the hearing that this was the entire file. (Appendix-Exhibit-6, Page 9 Lines 11-19, Page 10, Lines 17-23, 11, 14-22, Page 15 Lines 4-25, Page 16 Lines 1-13.) William M. Windsor had not seen these documents previously. Assistant Ellis County Texas District Attorney Jake Heffernan told Ellis County Texas Judge Ermatinger that Montana had already been working on the Governor’s Warrant. Ellis County Texas Judge Ermatinger signed a “Warrant Pending Order,” and a true and correct copy of this that was given to him is Appendix-Exhibit-5. On November 21, 2014, Ellis County Texas Judge Cindy Ermatinger told the Appellant that he was “in custody of the Sheriff of Ellis County right now and it’s pursuant to a fugitive warrant out of Montana....” (Appendix-Exhibit-6, Page 4 Lines 7-10.) William M. Windsor was not a fugitive as the case file obtained recently from Missoula Montana shows. (See Exhibits 1, 15, 16, 17, and 18 to the Appeal Supplement sent to the Texas Tenth Court of Appeals on January 21, 2015, referenced and incorporated herein.)

43. William M. Windsor continued to regularly ask the Jail to accept his bond. Requests were ignored or denied with no legal basis for denial ever given.

44. William M. Windsor continued to request an audience with an Ellis County Texas judge to present his Petition for Writ of Habeas Corpus. His requests were ignored until 3:30 pm on November 25, 2014 when he was taken before Ellis County Texas Judge Ermatinger. Ellis County Texas Judge Ermatinger accepted a copy of his Petition for Writ of Habeas Corpus (“Habeas Corpus Petition #1”), but she said she did not have jurisdiction to consider it. William M. Windsor asked which court did, and the Judge said “Montana.” He explained that neither Texas nor Montana law provide for that. He cited *Drake v. Spriggs* and TCCrP Article 51, but Ellis County Texas Judge Ermatinger did not budge on her position that she had no jurisdiction. (Appendix-Exhibit-8, Page 4 Lines 13-25, Page 5 Lines 1-12, Page 13 Lines 2-10.) [A true and correct copy of Habeas Corpus Petition #1 is Appendix-Exhibit-7.] [A true and correct copy of the Transcript of this Hearing is Appendix-Exhibit-8.]

45. On November 25, 2014, Ellis County Texas Judge Cindy Ermatinger once again stated that she didn’t understand the bond situation. (Appendix-Exhibit-8, Page 15 Lines 3-9.)

46. Assistant Ellis County Texas District Attorney Amy L. Lockhart told Ellis County Texas Judge Cindy Ermatinger that she didn’t have jurisdiction to

consider William M. Windsor's Writ. (Appendix-Exhibit-8, Page 12 Lines 24-35, page 13 Line 1.) Assistant Ellis County Texas District Attorney Amy L. Lockhart told Ellis County Texas Judge Cindy Ermatinger that Montana had already been working on the Governor's Warrant when they spoke with Montana on November 21, 2014. (Appendix-Exhibit-8, Page 12 Lines 11-15.)

47. On November 25, 2014, the Court Clerk told William M. Windsor that his Petition (Appendix-Exhibit-4) was not filed claiming it was submitted to the wrong court.

48. The evening of November 26, 2014, William M. Windsor received an Inmate Request Form back from Ellis County Texas Jail Lieutenant Goggans in response to a request. He had asked the Sheriff's Department to identify any statute that gave them the right to refuse his Texas bond and have Montana dictating what is done in Ellis County Texas. Ellis County Texas Jail Lieutenant Goggans wrote that Article 51 provides the authority.

49. On November 27, 2014, William M. Windsor demanded his release after 30 days in the Ellis County Texas Jail pursuant to TCCrP Article 51.13 Section 15. Appendix-Exhibit-9 is a true and correct copy of the attachment to an Inmate Request Form that he sent to Booking and the Respondent. He was not released.

50. William M. Windsor did not commit any crimes in Montana or Texas.

51. William M. Windsor was denied any further legal research at 5:00 pm on December 2, 2014.

52. At 6:00 pm on December 2, 2014, William M. Windsor received a hand delivery of a Memorandum Ruling by Ellis County Texas Judge Bob Carroll dismissing the case in 88611 against Sean D. Fleming. William M. Windsor knew that Ellis County Texas Judge Bob Carroll was corrupt. Sean D. Fleming had published outrageous defamatory statements. William M. Windsor filed a Notice of Appeal. The illegal incarceration and denial of Constitutional rights was a big problem as to this.

53. On December 2, 2014, attorney Juanita Edgecomb filed a Petition for Writ of Habeas Corpus (Habeas Corpus Petition #2) on behalf of William M. Windsor. [A true and correct copy of Habeas Corpus Petition #2 is Appendix-Exhibit-10.] Habeas Corpus Petition #2 sought discharge or bail. This Petition expressed that William M. Windsor had been held for longer than 30 days and must be discharged. (Appendix-Exhibit-10, Page 1, Paragraphs 2 and 3.) This petition argued that bail had been improperly denied and that Article 51.13 Section 15 of the TCCrP mandated discharge.

54. On December 5, 2014, William M. Windsor was very excited to learn that he was going to court. He felt sure that he was going home after 38 days of illegal confinement.

55. The December 5, 2014 hearing was a disaster. Juanita Edgecomb had to ask to reset it when Ellis County Texas District Attorney Patrick Wilson appeared to argue that William M. Windsor was a fugitive from justice after committing a crime in Missoula, Montana on December 30, 2013. This was information not provided by Assistant Ellis County Texas District Attorney Jake Heffernan on November 21, 2014 or Ellis County Texas District Attorney Amy L. Lockhart Assistant on November 25, 2014. However, after receiving the Transcript of the November 25, 2014 Hearing, Assistant Ellis County Texas District Attorney Amy L. Lockhart seems to have revealed that the Ellis County Texas District Attorney had withheld evidence from William M. Windsor (Appendix-Exhibit-8, Page 11 Lines 20-25. See also Exhibit 7, Page 12 Lines 11-15) where she seems to stop from revealing what the Ellis County Texas District Attorney Patrick Wilson had in his file. William M. Windsor believes the Ellis County Texas District Attorney Patrick Wilson told his subordinates to conceal what he had, because the contents of the file from Missoula Montana show that William M. Windsor was not charged with being a fugitive, and it shows how ridiculous the charges are. Ellis County Texas District Attorney Patrick Wilson lied to Ellis County Texas Judge Cindy Ermatinger saying this was a fugitive matter. He knew that was a lie Ellis County Texas District Attorney Patrick Wilson should be disbarred and removed from office for his many lies, withholding

evidence, ignoring the law, lying about the law in this case. [A true and correct copy of the Transcript of this Hearing is Appendix-Exhibit-11.]

56. Juanita Edgecomb later informed William M. Windsor that Ellis County Texas Assistant District Attorney Amy L. Lockhart had previously agreed to tell the judge that he should be released.

57. William M. Windsor is not a fugitive and can prove he wasn't in Montana in December 2013 or anytime thereafter.

58. This meant William M. Windsor had to wait for another hearing before Ellis County Texas Judge Cindy Ermatinger.

59. On Monday morning, December 8, 2014, William M. Windsor filed a detailed Motion to Recuse Ellis County Texas Judge Bob Carroll. Extensive wrongdoing has been itemized.

60. On December 9, 2014, William M. Windsor attempted to appear before Ellis County Texas Judge Cindy Ermatinger. He was informed that she would be out all week.

61. On December 10, 2014, William M. Windsor attempted to meet with the Ellis County Texas Magistrate who set his bond on October 29, 2014 as per TCCrP Article 51. The Ellis County Texas Sheriff's Department/Jail denied his request and said the Ellis County Texas Magistrate had no authority.

62. On December 11, 2014 at 5:30 am, William M. Windsor sent an Inmate Request Form to Booking at the Ellis County Texas Jail to say that he wished to post bond.

63. On December 11, 2014, William M. Windsor was exposed to Tuberculosis. He had been exposed to Herpes a few days before.

64. On December 11, 2014 at 3:45 pm, William M. Windsor asked the “P” Tank guard at the Ellis County Texas Jail why he had not been contacted to post his bond. The guard said he would check. He was ultimately told what he had been told many times before – that Montana would not accept the bonds.

65. On December 11, 2014, William M. Windsor filed a First Amended Petition for Writ of Habeas Corpus (“Habeas Corpus Petition #3”). The First Amended Petition for Writ of Habeas Corpus sought discharge, bail and/or bail reduction, and challenged the legality of arrest pursuant to Article 51 of the TCCrP. [A true and correct copy of Habeas Corpus Petition #3 (excluding the Affidavit and exhibits that are in the record) is Appendix-Exhibit-12.]

66. On December 16, 2014, William M. Windsor prepared a Notice of Appeal that was file stamped December 17, 2014. [A true and correct copy of Notice of Appeal #1 is Appendix-Exhibit-13.] Notice of Appeal #1 appealed the denial of bail at a hearing on December 2, 2014; the failure of Ellis County Texas Judge Cindy Ermatinger to release William M. Windsor at hearings on November

21, 2014, November 25, 2014, and December 5, 2014; the denial of hearings; illegal detainment, illegal incarceration, illegal denial of bond, and illegal denial of release pursuant to Article 51, Section 15. This Notice of Appeal states that it applies to Habeas Corpus Petition #3. (Appendix-Exhibit-3, paragraph 5.)

67. On December 16, 2014, William M. Windsor prepared and sent an Emergency Motion for Discharge or Bail to the Texas Tenth Court of Appeals. This motion applied to Habeas Corpus Petition #3 and argued that William M. Windsor had been illegally detained and incarcerated, had been denied bail, and had been improperly denied discharge pursuant to Section 15 of Article 51.13 of the TCCrP.

68. On December 18, 2014, William M. Windsor filed a Correction to Notice of Appeal that was filed on December 17, 2014. There was confusion over when one of the hearings was held; it was actually December 5, 2014 according to the Transcript subsequently received from the court reporter.

69. William M. Windsor's legal mail received at the Ellis County Texas Jail was all opened in violation of jail rules and U.S. law.

70. On December 19, 2014, Ellis County Texas Judge Cindy Ermatinger held a hearing. Ellis County Texas Judge Cindy Ermatinger denied Habeas Corpus Petition #3 without explanation. [A true and correct copy of the Transcript of this Hearing is Appendix-Exhibit-14.]

71. At the December 19, 2014 hearing, Ellis County Texas District Attorney Patrick Wilson stated that a requisition had not been obtained from the Governor of Montana. (Appendix-Exhibit-14, Page 9 Lines 17-24, Page 10 Lines 18, Page 11 Lines 19-25, Page 12 Lines 1-7, Page 13 Lines 3-10.)

72. William M. Windsor was released from the Ellis County Texas Jail on December 19, 2014. It was supposed to be on a PR Bond that required that he appear for a hearing in Ellis County Texas on January 21, 2015 or surrender in Missoula, Montana prior to the time of the hearing. [Appendix-Exhibit-18 is a true and correct copy of the PR Bond paperwork.] The PR Bond was not valid. William M. Windsor was simply released without being asked to sign anything at the Ellis County Texas Jail or have a Sheriff's Department officer sign anything as Ellis County Texas Judge Cindy Ermatinger said was required. [A true and correct copy of the Transcript of the December 19, 2014 Hearing is Appendix-Exhibit-12. See Page 52 Lines 15-18, Page 57 Lines 1-14.]

73. Following the hearing on December 19, 2014, William M. Windsor hand wrote a Notice of Appeal that was file stamped December 19, 2014. [A true and correct copy of Notice of Appeal #2 is Appendix-Exhibit-15.] Notice of Appeal #2 appealed the December 19, 2014 denial of Habeas Corpus Petition #3.

74. As of at least December 23, 2014, Montana still had not provided Texas with whatever documents it was supposed to provide.

75. William M. Windsor left Dallas, Texas en route to Missoula, Montana on December 29, 2014. He had every intent to surrender. He reserved a Missoula Montana extended stay hotel room for 40 days, from January 18, 2015 through February 28, 2015.

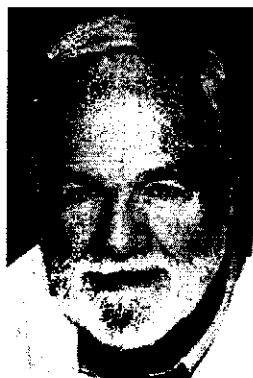
76. Ellis County Texas District Attorney Patrick Wilson claims William M. Windsor was sent notice to appear at a December 30, 2014 hearing, however William M. Windsor did not receive any such notice, and the hotel where he had a room said that neither a fax nor a letter had been received there. Nothing was received at the address that he filed with the Clerk of the Court on December 19, 2014 as his address for legal correspondence. Nothing was received at his address in Madison, South Dakota.

77. On December 30, 2014, a hearing was held in Ellis County Texas, and the alleged PR Bond was revoked because he was not there. The PR Bond paperwork clearly stated that William M. Windsor had to either appear in Ellis County Texas Judge Cindy Ermatinger's court in Ellis County Texas on January 21, or surrender in Montana prior to that date. The Transcript of the December 19, 2014 hearing shows the detailed discussion of this by Ellis County Texas Judge Cindy Ermatinger, and William M. Windsor's question to get it clarified. It is discussed several times. The hearing ends with Judge Cindy Ermatinger saying that William M. Windsor could surrender in Montana, while discussing his claustrophobia, and

a reminder of the January 21, 2015 hearing in Ellis County as the alternative. [See Appendix, Exhibit 16, Page 51 Lines 25-25, Page 52 Lines 1-8, Page 54 Lines 4-23, Page 55 Lines 5-7, Page 59 Lines 8-21, Page 60 Lines 3-7.] [A true and correct copy of the Transcript of the December 30, 2014 Hearing is Appendix-Exhibit-16.]

WANTED

**William Michael Windsor AKA: William M. Windsor
AKA: Bill Windsor**



**Age: 66
Date of Birth: October 2, 1948
Height: 6'
Weight: 240 pounds**

**Hair: Gray
Eyes: Green
Race: White
Nationality: United States**

Windsor is wanted in the state of Montana for felony and misdemeanor offenses of violating an order of protection. He is contesting extradition from Texas to Montana. On December 23, 2014, Texas Governor Rick Perry, at the request of Montana Governor Steve Bullock, issued a warrant for the arrest of Windsor, so that Windsor may be returned to Montana to be dealt with according to law.

**If you have information about Windsor's whereabouts please call the
Ellis County Sheriff's Office at: (972) 825-4901.**

78. Ellis County Texas District Attorney Patrick Wilson actually published a Wanted Poster for William M. Windsor – wanted for publishing a man's name, sending an email, allegedly sending a Tweet, and filming a movie

that will expose Ellis County Texas District Attorney Patrick Wilson as a dishonest and very corrupt elected official. [A true and correct copy of William M. Windsor Wanted Poster is Appendix-Exhibit-20.] This has been published online and is available for the world to see at the Ellis County Texas District Attorney's Facebook Page. Presumably this Wanted Poster has been sent to the FBI, Interpol, every police department and sheriff's department in the country, and all offices of the United States Post Office.

79. William M. Windsor is, therefore, currently widely advertised as a fugitive and wanted criminal subject to a bench warrant, contempt charges, and a \$100,000 judgment, all of which illegally restrain his liberty.

80. On January 9, 2015, William M. Windsor sent the Texas Tenth Court of Appeals an "Emergency Motion for Relief." This sought immediate consideration of his appeals in this matter.

81. On January 12, 2015, William M. Windsor sent a Notice of Appeal to the Clerk of the District Court in Ellis County Texas. [A true and correct copy of Notice of Appeal #3 is Appendix-Exhibit-17.] Notice of Appeal #3 appealed the December 30, 2014 revocation of the alleged bond of December 19, 2014. Texas no longer had jurisdiction over William M. Windsor at that point, so an appeal is the appropriate action to take.

82. On January 19, 2015, William M. Windsor filed a Motion to Quash the Bench Warrant in the Fourth Judicial District Court in Missoula County Montana.

83. On January 21, 2015, William M. Windsor sent the Texas Tenth Court of Appeals a "Supplement to Appeal." This was delivered to the Tenth Court of Appeals by Federal Express the morning of January 22, 2015. It is referenced and incorporated herein as if attached hereto.

84. On January 22, 2015, the Texas Tenth Court of Appeals entered an order denying a motion for emergency relief on the basis that William M. Windsor had been "released." The Supplement to Appeal was apparently not considered.

SUMMARY OF THE ARGUMENT

85. William M. Windsor was illegally detained, illegally incarcerated, illegally denied bond, and illegally denied discharge. Virtually every relevant section of Texas Code of Criminal Procedure Article 51 was violated. William M. Windsor was held for 53 days, and his rights were violated repeatedly.

86. William M. Windsor was illegally detained and incarcerated in the Ellis County Texas Jail. His rights violated when he was not read his rights. He should have been released by the Ellis County Magistrate on October 29, 2014 when there was no finding of probable cause, but he was not. He was illegally denied bail from October 29 to December 19, 2014. William M. Windsor had a

right to a Texas bond, but the Ellis County Texas Jail told him that neither a Texas nor a Montana bond would be accepted. He was illegally denied discharge pursuant to Texas Code of Criminal Procedure Article 51. He should be ordered discharged effective after 30 days, November 27, 2014, and all subsequent orders and bonds issued in connection with his commitment must be vacated. William M. Windsor was repeatedly denied due process, and his Constitutional rights were repeatedly violated. The bond that was set (but denied) of \$100,000 was excessive. Ellis County Texas violated the cruel and unusual punishments clause of the Eighth Amendment of the United States Constitution. Judge Cindy Ermatinger violated William M. Windsor's rights when she told him that she did not have the authority to hear a petition for writ of habeas corpus or deal with bond. The Ellis County Texas Clerk of Court violated his rights when she refused to file his petition writ of habeas corpus. The alleged PR Bond of December 19, 2014 is invalid, and Judge Cindy Ermatinger did not have jurisdiction over William M. Windsor on December 30, 2014. Ellis County Texas failed to serve William M. Windsor with notice of the December 30, 2014 hearing as required by law; all actions taken at the hearing on December 30, 2014 are null and void. William M. Windsor has been illegally restrained in his liberty by the State of Texas. The relief requested in the petitions for writ of habeas corpus must be granted.

ARGUMENT

87. ISSUE #1: Was William M. Windsor illegally detained and incarcerated in the Ellis County Texas Jail?

88. Yes. William M. Windsor was illegally detained or arrested by the Ellis County Texas Sheriff's Department. He was illegally incarcerated.

89. This "arrest" seems to purport to be regarding violation of Montana law. There are only two means of dealing with "fugitives from justice" and extradition in Texas.

90. The first means of extradition in Texas is contained in Articles 51.01 to 51.12 of the TCCrP. All relate to people who have fled from justice in another state. This means you have to have been in that state, committed a crime there, and then left the state. Articles 51.01 to 51.12 apply; Articles 51.02, 51.02, 51.03, 51.04, and 51.05 have all been violated.

91. There is no evidence that William M. Windsor is the William M. Windsor named in the Bench Warrant. There are at least three William Windsor's who have lived in Dallas. There is no identifying information in the documents contained in the Ellis County Texas District Attorney's file. (Appendix-Exhibit-1)

92. The second means of extradition in Texas is in Article 51.13 of the TCCrP. It applies to Governor's Warrants.

93. There is no evidence that William M. Windsor fled from justice in another state, and the only document from Montana, the Bench Warrant (Appendix-Exhibit-1), makes no claim that the person named fled from justice. None of the documents that came from the Ellis County District Attorney's file (Appendix-Exhibits-1-2-3) indicate that William M. Windsor was a fugitive or that he fled from justice. Therefore, Article 51.13 is the only statute that can pertain to him. There was no legal authority for the arrest, continued incarceration of William M. Windsor, or bond as shown in Article 51.13 Sections 14, 15, and 16. These requirements were not done. William M. Windsor was not properly taken before a judge or magistrate; he was not released after 30 days; and he was denied bond.

**TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 51.13
(UNIFORM CRIMINAL EXTRADITION ACT) SEC. 13. ARREST
PRIOR TO REQUISITION.** "Whenever any person within this State shall be charged on the oath of any credible person before any judge or magistrate of this State with the commission of any crime in any other State and except in cases arising under Section 6, with having fled from justice, or with having been convicted of a crime in that State and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this State setting forth on the affidavit of any credible person in another State that a crime has been committed in such other State and that the accused has been charged in such State with the commission of the crime, and except in cases arising under Section 6, has fled from justice, or with having been convicted of a crime in that State and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this State, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this State, and to bring him before the same or any other judge, magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer

the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.”

94. This details the requirements for arresting an allegedly-accused person in Texas based upon a warrant from a Texas magistrate, but prior to a requisition being sent to Texas requesting a Texas Governor’s Warrant. The first and most important requirement is that there has to be an oath before a Texas judge or magistrate that the allegedly-accused committed a crime in another state and fled from justice. The Texas judge or magistrate must then issue a warrant directing a law enforcement officer to apprehend the person named. The allegedly-accused must then be brought before a Texas judge or magistrate to answer the charge or complaint and affidavit. A certified copy of the sworn charge or complaint and affidavit must be attached to the warrant. The allegedly-accused must be allowed to answer.

95. In this case, NONE of this was done. (Statement-of-Facts, ¶¶19-27.)

96. There was no warrant. There was no oath before a Texas judge or magistrate that the allegedly-accused committed a crime in another state and fled from justice. A Texas judge or magistrate did not issue a warrant directing a law enforcement officer to apprehend the person named. William M. Windsor was not brought before a Texas judge or magistrate to answer the charge or complaint and affidavit. There was no certified copy of a sworn charge or complaint and

affidavit. He was not allowed to answer as is required by statute. (Statement-of-Facts, 19-27.) William M. Windsor swore to all of this in his First Amended Petition for Writ of Habeas Corpus (Appendix-Exhibit-12, ¶3).

97. The law was violated, and William M. Windsor was “arrested” and incarcerated illegally.

Art. 51.13. [1008A] UNIFORM CRIMINAL EXTRADITION ACT

Arrest Without a Warrant

Sec. 14. The arrest of a person may be lawfully made also by any peace officer or private person, without a warrant upon reasonable information that the accused stands charged in the courts of a State with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section; and thereafter his answer shall be heard as if he had been arrested on a warrant.

Commitment to Await Requisition; Bail

Sec. 15. If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and except in cases arising under Section 6, that he has fled from justice, the judge or magistrate must, by warrant reciting the accusation, commit him to the county jail for such time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the Executive Authority of the State having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.

Bail; In What Cases; Conditions of Bond

Sec. 16. Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the State in which it was committed, a judge or magistrate in this State may admit the person arrested to bail by bond, with sufficient sureties and in such sum as he deems proper, conditioned for his appearance before him at a time

specified in such bond, and for his surrender, to be arrested upon the warrant of the Governor in this State.

98. This details the requirements for arresting an allegedly-accused person prior to a requisition being sent to Texas requesting a Texas Governor's Warrant when there is no Texas Magistrate's Warrant issued. The other requirements are the same as Section 13. The first and most important requirement is that there has to be an oath that the allegedly-accused committed a crime in another state and fled from justice. The accused must then be speedily brought before a Texas judge or magistrate to answer the charge or complaint and affidavit. The accused must be allowed to answer.

99. In this case, William M. Windsor was not arrested. He was taken before the Ellis County Texas Magistrate the morning of October 29, 2014, but there was no complaint or oath before a Texas judge or magistrate that the allegedly-accused committed a crime in another state and fled from justice. He was not given the opportunity to answer the charge or complaint and affidavit. There was no complaint or affidavit – ever! (Statement-of-Facts, ¶¶19-27.)

100. The Ellis County Texas Magistrate's Document (Appendix-Exhibit-3) says "Affidavits charging you with these offenses (has not) been filed in this court." The Ellis County Texas Magistrate did not find probable cause. No facts had been presented to the Ellis County Texas Magistrate under oath to show probable cause. Thus, that section of the Document is unsigned.

101. The law was violated, and William M. Windsor was incarcerated illegally. When neither section 13 nor section 14 have been complied with, there was no legal basis to “arrest” or incarcerate him.

102. Everything about the detention, incarceration, denial of bonds, and refusal to discharge William M. Windsor was against the law. (Appendix-Exhibits-1,2,3 – “the entire file” of the Ellis County Texas District Attorney.)

103. To determine if Texas law enforcement officers had any right to arrest or detain William M. Windsor, Montana law must be applied, if the charges are from Montana. Neither Montana nor Texas law allow extradition in a case such as this.

104. Montana Code, Title 46, Chapter 30, Part 4 provides for criminal extradition.

46-30-401. Application for issuance of requisition. (1) When the return to this state of a person charged with a crime in this state is required, the prosecuting attorney shall present to the governor a written application for a requisition for the return of the person charged. The application must state the name of the person charged, the crime charged against the person, the approximate time, place, and circumstances of its commission, and the state in which the person is believed to be, including the location of the accused in that state at the time the application is made. The application must certify that in the opinion of the prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not being instituted to enforce a private claim.

(3) The application must be verified by affidavit, executed in duplicate, and accompanied by two certified copies of the:

- (a) indictment returned;
- (b) information and affidavit filed;

(c) complaint made to the judge or magistrate stating the offense with which the accused is charged;

(d) judgment of conviction; or

(e) sentence.

(4) The prosecuting officer, board of pardons and parole, warden, or sheriff may also attach further affidavits and other documents in duplicate that are considered proper to be submitted with the application.

(5) One copy of the application, with the action of the governor indicated by endorsement on the application, and one of the certified copies of the indictment, complaint, information and affidavits, judgment of conviction, or sentence must be filed in the office of the secretary of state to remain of record in that office. The other copies of all papers must be forwarded with the governor's requisition.

46-30-402. Requisition by governor. Whenever the governor of this state demands a person charged with crime or with escaping from confinement or breaking the terms of the person's bail, probation, or parole in this state from the chief executive of any other state or from the chief justice or an associate justice of the supreme court of the District of Columbia authorized to receive a demand under the laws of the United States, the governor shall issue a warrant under the seal of this state to some agent commanding the agent to receive the person charged if delivered to the agent and convey the person to the proper officer of the county in this state in which the offense was committed.

105. In this case, there was no Governor's Warrant, and Montana law does not provide for extradition in any other manner. The Bench Warrant was insufficient. (Statement-of-Facts, ¶71 and Appendix-Exhibit-1.)

106. The Statement of Ellis County Texas Deputy Sheriff Matt Overcash (Appendix-Exhibit-2) seems to indicate that William M. Windsor committed a crime in Ellis County. Texas law does not allow extradition from Ellis County Texas to Ellis County Texas.

107. The Statement of Ellis County Texas Deputy Sheriff Matt Overcash is fatally defective. The first paragraph of the Statement states that "...believes that the accused person Windsor William did commit the offense(s) of... violation of a protective order which offense is charged to be classified as a misdemeanor and is against the laws of the State of Texas." There is then a paragraph that is blank that is supposed to say what the affidavit is based upon. The fourth paragraph says "...arrested under the authority of Warrant Number DC-14-509 for the offense of... violation of protective order out of Ellis County Texas." Then there is a place for a teletype to be attached, but nothing was attached. (Appendix-Exhibit-2.)

108. TCCrP Article 51 covers "fugitives from justice." William M. Windsor is not a fugitive. (TCCrP Art. 51.01 and 51.13, Sec. 2.)

109. There is no sworn claim that William M. Windsor fled from justice in Montana or Texas as is required by TCCrP Article 51.01.

110. Ellis County Texas Sheriff's Deputies did not have the right to aid in the arrest of William M. Windsor. He is not a fugitive, and there was no claim that he was. This violates TCCrP Article 51.02. (Appendix-Exhibits-1-2-3.)

111. There is no magistrate's warrant as required by TCCrP Article 51.03, 51.04. The Ellis County Texas Magistrate did not find that there was probable cause. (Appendix-Exhibit-3.)

112. There is no complaint. This violates TCCrP Articles 51.03 and 51.04. William M. Windsor was not named. The state was not identified. The offense was not specified. There is no claim that he fled to Texas from a state where an offense was committed. (Appendix-Exhibits-1-2-3.)

113. The Statement of Ellis County Texas Deputy Sheriff Matt Overcash is defective for other reasons as well. It shows that William M. Windsor is being detained for felonies, but then says it is for misdemeanors. William M. Windsor was told orally that the warrant was from Montana, but the Statement of Ellis County Texas Deputy Sheriff Matt Overcash (Appendix, Exhibit 2) says "Texas" and then specifically says "Ellis County Texas." Matt Overcash knew nothing about William M. Windsor or the alleged charges. He had nothing sufficient with which to make such an affidavit. He had nothing sworn from Montana or Texas. His Statement must be thrown out.

114. There was not a proper form of demand from Montana. (Appendix-Exhibit-1.) This violates TCCrP Article 51.13, Section 3. There is no arrest warrant from a Texas magistrate. There is no Complaint naming the person accused, indicating the state from which he has fled, identifying the offense committed, including a statement that the accused has fled from another state to Texas, or that the act alleged to have been committed by the accused is a violation of the penal law of that state. (Appendix-Exhibits-1-2-3.)

115. There was no affidavit provided with the Montana “Bench Warrant,” which is the only documentation provided by Montana. Bench Warrants are not proper evidence for extradition and may not be used to manufacture felony charges. The Montana Bench Warrant talks about arrest in another county in Montana, not in another state. (Appendix-Exhibit-1.)

116. The Statement of Ellis County Texas Deputy Sheriff Matt Overcash is invalid as it does not contain adequate showing of probable cause. It was not issued by a neutral and detached Magistrate. It does not particularly describe William M. Windsor. It fails to identify any permanent order of protection anywhere, and it is silent as to what someone allegedly did to violate a protective order. (Appendix-Exhibit-2.)

117. There is no indictment. There was, therefore, no properly-certified transcript of an indictment provided. This violates TCCrP Article 51.05.

118. William M. Windsor was not “taken forthwith” before a judge of a court of record in Texas or before a Justice of the Peace. This violates TCCrP Article 51.13. When he did appear before an Ellis County Texas Magistrate,” he was not told that he could test the legality of his “arrest.” He does not believe he was arrested, certainly not legally. This violates TCCrP Article 51.13, Section 10.

119. No one ever set a reasonable time for William M. Windsor to apply for a writ of habeas corpus. This violates TCCrP Article 51.13, Section 10. He

was never directed to a court of record for purposes of obtaining such a writ. This violates TCCrP Article 51.13, Section 10. When he appeared before the Ellis County Texas Magistrate on October 29, 2014, the proceeding was not recorded or videotaped. This violates TCCrP Article 51.13, Section 10 (c). He never appeared before the Ellis County Texas Magistrate in the manner outlined in TCCrP Article 51. No proof was ever heard. (Statement-of-Facts ¶26, Appendix-Exhibit-3.)

120. Bail was not set in Texas based upon proper documentation. This violates TCCrP Article 51.05. William M. Windsor's alleged offenses are not punishable by death or life imprisonment, so bond is required but denied to him. William M. Windsor provided a Texas bond and a Montana bond – both refused. This violates TCCrP Article 51.13, Sections 15 and 16.

121. Texas law establishes that William M. Windsor was illegally detained and was illegally incarcerated from October 28 to December 19, 2014, and the Texas Tenth Court of Appeals must so order.

122. The Bench Warrant was issued only to Peace Officers in Montana. (Appendix-Exhibit-1.) The Bench Warrant called only for an arrest in a Montana county. The Bench Warrant was illegal to use to detain William M. Windsor in Ellis County Texas.

123. The Bench Warrant was not even sent to the Ellis County Sheriff's Department until October 29, 2014, a day after William M. Windsor was

incarcerated. This may explain why Ellis County Texas District Attorney Patrick Wilson has published a Wanted Poster for William M. Windsor. Upon information and belief, Ellis County Texas District Attorney Patrick Wilson is “out to get Bill Windsor” because he is exposing corruption in Ellis County Texas and because he is suing unnamed defendants that are believed to include Ellis County Texas District Attorney Patrick Wilson and a number of his political friends and supporters. (Appendix-Exhibit-1, Statement-of-Facts ¶78.)

124. ISSUE #2: Were William M. Windsor’s rights violated when he was not read his rights?

125. Yes. William M. Windsor was not read his rights. (Appendix-Exhibit-14, Page 40 Lines 18-20.)

126. The *Miranda* warning is part of a preventive criminal procedure rule that law enforcement are required to administer to protect an individual who is in custody and subject to direct questioning or its functional equivalent from a violation of his Fifth Amendment right against compelled self-incrimination. (*Miranda v. Arizona*, 384 U.S. 436 (1966).)

127. ISSUE #3: Should William M. Windsor have been released by the Ellis County Texas Magistrate on October 29, 2014 when there was no finding of probable cause?

128. Yes.

129. A finding of probable cause is necessary for an arrest, and it is a requirement to detain someone when being held on extradition.

130. The Ellis County Magistrate stated in writing that there was no evidence as to probable cause. (Appendix-Exhibit-3) There was no basis for a warrant, so none was issued. A magistrate's warrant is required to hold someone under Texas law. William M. Windsor's Fourth Amendment rights were violated.

The Fourth Amendment of the United States Constitution: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

131. ISSUE #4: Was William M. Windsor illegally denied bail from October 29 to December 19, 2014?

132. Yes.

133. TCCrP Article 51.05 and 51.13 Sections 15 and 16 are the two statutes that authorize bond in extradition matters. Both statutes were ignored.

134. With limited exceptions, those arrested or detained may be released from jail on bond. William M. Windsor was wrongfully denied this fundamental right.

135. William M. Windsor repeatedly requested that he be released on bond, and this was repeatedly denied. (Statement-of-Facts ¶136.)

136. ISSUE #5: Did William M. Windsor, and do all people detained on extradition in Texas, have a right to a Texas bond, not a bond from the state seeking to extradite them?

137. Yes.

138. There is nothing in Texas law to indicate that a Texas Magistrate can order an out-of-state bond. A Texas Magistrate has no such jurisdiction.

139. There is nothing in Texas law to provide that a person being held for extradition is to post a bond from another state.

140. The idea that a bond can be set in Texas by a judge in Montana is ludicrous. William M. Windsor now has documents signed by the Texas Justice of the Peace and Texas Judge Cindy Ermatinger that both speak to the bond and say "Texas." (Appendix-Exhibit-3 and Appendix-Exhibit 5.)

141. Requiring a Montana bond would deny William M. Windsor's extradition rights, would force him to waive extradition; would force him to go to a state that has falsified claims against him.

142. Both Montana and Texas have identical laws as both adopted the Uniform Criminal Extradition Act.

Montana Annotated Code § 46-30-303. Bail while awaiting requisition.

"Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge or magistrate in this state may admit the person arrested to bail by bond or undertaking with sufficient sureties and in such sum as he deems proper, conditioned for his appearance before him at a

time specified in such bond or undertaking and for his surrender to be arrested upon the warrant of the governor of this state.”

TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 51.13 (UNIFORM CRIMINAL EXTRADITION ACT) Sec. 16. BAIL; IN WHAT CASES; CONDITIONS OF BOND. “Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the State in which it was committed, a judge or magistrate in this State may admit the person arrested to bail by bond, with sufficient sureties and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the Governor in this State.”

143. A Montana judge has no jurisdiction in Texas, but the Montana authorities and the Ellis County Texas authorities conspired to keep William M. Windsor in jail for 53 days without bond that was required by the Uniform Criminal Extradition Act that is the law in both states. It is also now clear that Ellis County Texas District Attorney Patrick Wilson intentionally gave false legal information to the Ellis County Texas Jail, Ellis County Texas Judge Cindy Ermatinger, and his staff. (Statement-of-Facts ¶55, 76, 144, 214.)

144. The allegedly-accused person is to be offered Texas bail unless the alleged crime is punishable by death or life in prison. A TEXAS judge or magistrate is to set the amount of the bail and the terms of the bond requiring the allegedly-accused to appear before the Texas judge or magistrate at a specified time.

145. The only bail that a Texas magistrate can set is a TEXAS bail, not a Montana bail/bond. William M. Windsor has reviewed approximately 100 Texas appellate court decisions on extradition, and none had a bond other than Texas.

Drake v. Spriggs, No. 13-03-429-CV (Tex.App. Dist.13 12/14/2006) is exactly on point. Extradition of a Texas man was sought by Colorado. He was denied a Texas bond, and the appellate court ruled this was an error.

(See also for Texas bonds on extradition matters: *Ex Parte Jerome Wall*, No. 02-11-00326-CR (Tex.App. Dist. 2 11/21/2012); *Ex Parte Pauline Fletcher Hasssenpflug*, 254 S.W.2d 835 (08/04/88); *Ex Parte Baugh*, No. 12-08-00367-CR (Tex.App. Dist. 12 02/19/2009); *Nelly Nichols et al v. State*, 255 S.W.2d 522, 158 Tex.Crim. 367 (02/04/53); *Ex Parte Parker*, No. 14-09-00493-CR (Tex.App. Dist.14 10/08/2009).)

146. William M. Windsor was outrageously denied bond and spent 52 days illegally incarcerated and denied bond.

E. WILLIAM M. WINDSOR WAS DENIED ACCESS TO A COURT TO SEEK REDRESS OF GRIEVANCES.

147. William M. Windsor was never informed of his habeas corpus right.

148. William M. Windsor was denied access to a law library.

149. William M. Windsor was denied the right to file his Petition for Writ of Habeas Corpus by the Clerk of the District Court in Ellis County Texas. A true and correct copy of the letter denying the filing is Exhibit F to the First Amended Petition for Writ of Habeas Corpus.

150. William M. Windsor was then denied consideration of his Petition for Writ of Habeas Corpus when he presented it to Ellis County Texas Judge Cindy Ermatinger in her courtroom on November 25, 2014. Ellis County Texas Judge Cindy Ermatinger accepted a copy of the Habeas Petition but said she did not have jurisdiction to consider it. She said Montana did. This was wrong, and the Texas Tenth Court of Appeals must so order.

151. On December 5, 2014, William M. Windsor again attempted to have Ellis County Texas Judge Cindy Ermatinger hear his Petition. She denied bond, but the hearing was to resume at a later date. (Statement-of-Facts ¶55.)

152. William M. Windsor was denied access to any court despite repeated efforts. (Statement-of-Facts ¶60-61.)

153. ISSUE #6: Was William M. Windsor was illegally denied discharge pursuant to Texas Code of Criminal Procedure (“TCCrP”) Article 51?

154. Yes.

155. Article 51.13 Section 15 provides that William M. Windsor was to be released after 30 days. November 17, 2014 was Day 31. December 19, 2014 was Day 53.

156. Article 51.08 provides that once released, he could not be arrested upon a charge of the same offense except by a warrant from the Governor of

Texas. As Ellis County Texas Judge Cindy Ermatinger has failed to discharge William M. Windsor, he was denied this important legal right.

157. William M. Windsor was never discharged as required by Article 51.13 Section 15. This was wrong, and the Texas Tenth Court of Appeals must so order.

“The Uniform Criminal Extradition Act provides that an accused person may be committed for a period of thirty days...” (*Commonwealth of Pennsylvania v. Manfred Hude*, 364 A.2d 413, 242 Pa. Super 555.)

“The clear intent of Section 15 of the Uniform Criminal Extradition Act is that an alleged fugitive may not be committed for more than thirty days (footnote omitted) while awaiting the warrant of the Governor...” “...this failure to comply with the provisions of the Uniform Criminal Extradition Act (citations omitted), energizes the statutorily-provided remedy *558 of Habeas Corpus...” (*Commonwealth Ex Rel. Knowles v. Lester*, 456 Pa. 423, 312 A.2d 637 (1974).)

“Appellant was incarcerated for a period exceeding 30 days.... We conclude that he was entitled to have the Writ of Habeas Corpus issue as the remedy for illegal confinement under the Act.” (*Commonwealth v. Hude*, 364 A.2d 413, 242 Pa. Super 555.)

“In order for the Petitioner to have been released on a petition for writ of habeas corpus on the ground that he was held for 3 days without a proper court order while awaiting the issuance and service of the Requisition Warrant, he should have filed the same and demanded release prior to the service of the Rendition Warrant....” (*People Ex. Rel. Vasquez v. Pratt*, 322 N.E.2d 74, 24 Ill.App.3d 927.)

158. **ISSUE #7: Is William M. Windsor ordered discharged effective**

November 27, 2014 and should all subsequent orders and bonds issued in connection with his commitment be vacated?

159. Yes.

160. As the facts and Texas law required that William M. Windsor be discharged effective November 27, 2014, all subsequent orders and actions are invalid. Ellis County Texas ceased to have jurisdiction when Windsor earned discharge.

161. ISSUE #8: Was William M. Windsor denied due process, denied use of a law library, denied filing of his petition for writ of habeas corpus, and denied action by a judge on the petition for writ of habeas corpus?

162. Yes.

163. There have been repeated violations of William M. Windsor's rights. He has been denied due process, denied use of a law library, denied filing of his petition for writ of habeas corpus, denied action by a judge on the petition for writ of habeas corpus, denied his personal property, and denied rights to privacy of his legal mail. (Statement-of-Facts ¶¶86, 32, 38, 39, 47, 41, 44, 33, 69.)

164. William M. Windsor attempted to get someone with the Ellis County Texas Sheriff's Department to read the laws and the documents so he could be released, but no one would do it. He sent the law to the Ellis County Texas District Attorney Patrick Wilson and spoke with two Assistant District Attorneys, but they did nothing. He twice appeared before Ellis County Texas Judge Cindy

Ermatinger, but she said she didn't know the law on bonds and then said she didn't have jurisdiction on habeas corpus.

165. The actions and inactions of the Ellis County Texas Sheriff's Department, jail, District Attorney's Office, Ellis County Texas Clerk of the Court, and judicial employees are mind-boggling. The laws are clear.

166. William M. Windsor was held on an illegal arrest since October 28, 2014 and on refusal to accept bonds since October 29, 2014.

167. William M. Windsor was denied the ability to effectively handle his pending civil litigation.

"The fundamental constitutional right of access to the courts requires prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law." (*Bounds v. Smith*, 430 U.S. 817 (1978).) See also *Cruz v. Beto*, 405 U.S. 319, 321 (1972); *Ex parte Hull*, 312 U.S. 546 (1941); *White v. Ragen*, 324 U.S. 760 (1945). Prisoners must have reasonable access to a law library or to persons trained in the law. *Younger v. Gilmore*, 404 U.S. 15 (1971).

168. Ellis County Texas has violated the cruel and unusual punishments clause of the Eighth Amendment of the United States Constitution by denying William M. Windsor access to the courts, denying access to a law library, by exposing him to communicable diseases, incarcerating him with no legal right to do so, and violating other rights.

169. ISSUE #9: Is the lack of access to a law library in the Ellis County Jail a violation of Constitutional rights?

170. Yes.

171. William M. Windsor did not have adequate access to a law library.

There is no law library at the jail.

172. William M. Windsor was given false information repeatedly by Ellis County Texas Sheriff's Department and Jail staff. If he had not been able to get a visit to the law library, he would have never known what the law says and that it was being violated repeatedly.

173. This is a violation of all prisoner's Constitutional rights. Most prisoners cannot afford lawyers, and their court-appointed attorneys don't want to spend much time on their cases. Prisoners need to look out for themselves, but they can't when denied access to legal information.

174. ISSUE #10: Was the bond of \$100,000 that was allegedly set excessive?

175. Yes.

176. The bond was excessive, oppressive, and beyond the financial means of William M. Windsor in violation of the Eighth and Fourteenth Amendments to the U.S. Constitution, Article I Sections 11, 13, and 19 of the Texas Constitution, and Articles 1.09 and 17.15 of the TCCrP.

177. The Ellis County Texas Magistrate did not have any idea what the charges were.

178. \$100,000 bond is outrageous since William M. Windsor has never broken a law. \$100,000 bond is unthinkable as the charges are that he sent a tweet, sent an email to an attorney, and published five times the name of the man who attempted to murder him. (Statement-of-Facts ¶3, 78.)

179. William M. Windsor provided information to justify that the bond was excessive. (RECORD-First Amended Verified Petition for Writ of Habeas Corpus)

180. \$100,000 bail was somehow set by a Montana judge though there was no arraignment. This violates Montana law. The Texas Magistrate simply recited that amount.

“The circumstances under which a crime is committed is a proper consideration under Art. 17.15 V.A.C.C.P. in determining the amount of bail to be required. See *Korn v. State*, Tex.Cr App, 400 S.W.2d 464.” (*Ex Parte Taylor*, 531 S.W.2d 335 (Tex.Crim.App 1976.)

181. ISSUE #11: Did Ellis County Texas violate the cruel and unusual punishments clause of the Eighth Amendment of the United States Constitution?

182. Yes.

183. Ellis County Texas has violated the cruel and unusual punishments clause of the Eighth Amendment of the U.S.s Constitution by denying William M. Windsor access to the courts, denying access to a law library, by exposing him to communicable diseases, incarcerating him with no legal right to do so for 53 days, by seizing his laptop and flash drive, and by opening his legal mail.

184. ISSUE #12: Did Ellis County Texas Judge Cindy Ermatinger violate William M. Windsor's rights when she told him that she did not have the authority to hear a petition for writ of habeas corpus or deal with bond?

185. Yes.

186. She had the authority.

187. Had she dealt with the issue properly when first raised on November 21, 2014, William M. Windsor would have been released 29 days earlier than he was.

188. This violated William M. Windsor's right of access to the courts as well as other rights.

189. ISSUE #13: Did the Ellis County Texas Clerk of Court violate William M. Windsor's rights when she refused to file his petition writ of habeas corpus?

190. Yes.

191. There is only one District Court Clerk in Ellis County. William M. Windsor's petition was sent to the proper address.

192. William M. Windsor believes the Clerk of the Court was told to return the petition so he would be denied the opportunity to be released. The husband of the clerk who returned the Petition works in Ellis County Texas District Attorney Patrick Wilson's office.

193. ISSUE #14: Is the alleged PR Bond of December 19, 2014 invalid as it was not fully executed?

194. Yes.

195. The alleged PR Bond (Appendix-Exhibit-18) has blanks where it was supposed to be signed by William M. Windsor and the Ellis County jail. It was not executed as Ellis County Texas Judge Cindy Ermatinger specified, so it is invalid.

196. ISSUE #15: Did Ellis County Texas Judge Cindy Ermatinger not have jurisdiction over William M. Windsor on December 30, 2014?

197. Yes.

198. As Ellis County Texas had no jurisdiction over William M. Windsor at the point that he is ordered discharged, the actions of December 30, 2014 and thereafter are void.

199. ISSUE #16: Did Ellis County Texas fail to serve William M. Windsor with notice of the December 30, 2014 hearing as required by law?

200. Yes.

201. William M. Windsor filed a change of address with the Clerk of the Court following the hearing on December 19, 2014. There was no notice sent to that address. (Statement-of-Facts ¶76.)

202. The hotel where William M. Windsor was staying reported to him that he did not receive a fax or a letter. (Statement-of-Facts ¶76.)

203. ISSUE #17: Are any actions taken at the hearing on December 30, 2014 null and void?

204. Yes.

205. As there was no jurisdiction and no notice, the actions at the hearing are null and void.

206. In addition, the actions taken directly conflict with the explicit instructions given on December 19, 2014, and William M. Windsor did nothing wrong.

207. ISSUE #18: Has William M. Windsor been illegally restrained in his liberty by the State of Texas?

208. Yes.

209. William M. Windsor has been illegally restrained in his liberty from October 29, 2014 to the present due to denial of bail; due to failure to discharge him; due to the actions of Ellis County Texas Judge Cindy Ermatinger when she ordered William M. Windsor to surrender and revoked his alleged PR Bond.

**TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 51.13
(UNIFORM CRIMINAL EXTRADITION ACT) Sec. 15.
COMMITMENT TO AWAIT REQUISITION; BAIL.** “If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and except in cases arising under Section 6, that he has fled from justice, the judge or magistrate must, by warrant reciting the accusation, commit him to the county jail for such time **not exceeding thirty days** and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the Executive Authority of the State

having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.” **[emphasis added.]**

210. After either Section 13 or Section 14 takes place, the Texas judge or magistrate is to issue a warrant reciting the accusation and committing the allegedly-accused “for such time **not exceeding thirty days**” while the demanding state tries to obtain a Texas Governor’s Warrant.

211. This section clearly states that 30 days was the time after which William M. Windsor was to be released. 30 DAYS! The maximum amount of time that an allegedly-accused person may be incarcerated in Texas on an extradition matter is 30 days. If the allegedly-accused is not discharged after 30 days, the law has been violated, and the allegedly-accused has been imprisoned illegally.

212. William M. Windsor was detained on October 28, 2014. He appeared before the Texas Magistrate on October 29, 2014. December 19, 2014 was Day 53. He demanded his release in writing daily from Day 31 to Day 53. He should have been released on a discharge without any bond. (Statement-of-Facts ¶¶49, 62.)

213. Ellis County Texas District Attorney Patrick Wilson gave false information to Ellis County Texas Judge Cindy Ermatinger saying the 30 days began at a later date. This is absolutely false. The statute is very clear, and there is case law on this. The actions of Ellis County Texas District Attorney Patrick Wilson in this case have been deliberately in violation of the law. The Oath of

Office that Ellis County Texas District Attorney Patrick Wilson took stated: “I swear that I will faithfully execute the duties of the office of District Attorney of Ellis County Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and this state, so help me God.”

Ellis County Texas District Attorney Patrick Wilson violated his Oath of Office by intentionally ignoring the law and allowing it to be violated again and again and again. Ellis County Texas District Attorney Patrick Wilson wrongfully imprisoned William M. Windsor. (Appendix-Exhibits-11-14.)

214. William M. Windsor should have never been incarcerated, but he certainly should have been released after 30 days. Article 51.08 provides that once released, he could not be arrested upon a charge of the same offense except by a warrant from the Governor of Texas. As Ellis County Texas Judge Cindy Ermatinger has failed to discharge him, he was denied this important legal right.

Montana Annotated Code § 46-30-401. Application for issuance of requisition. “(1) When the return to this state of a person charged with a crime in this state is required, the prosecuting attorney shall present to the governor a written application for a requisition for the return of the person charged. The application must state the name of the person charged, the crime charged against the person, the approximate time, place, and circumstances of its commission, and the state in which the person is believed to be, including the location of the accused in that state at the time the application is made. The application must certify that in the opinion of the prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not being instituted to enforce a private claim.”

215. The Bench Warrant issued by Missoula County Montana Judge Karen Townsend was not valid anywhere but Montana, and it may not have even been valid there. (Appendix-Exhibit-1.) The use of it to detain William M. Windsor in Texas was illegal. If a Governor's Warrant has been issued in Texas, then and only then was there a valid warrant for him in Texas.

Montana Annotated Code § 46-30-402. Requisition by governor.

“Whenever the governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation, or parole in this state from the chief executive of any other state or from the chief justice or an associate justice of the supreme court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state to some agent commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed.”

Montana Annotated Code § 46-30-302. Commitment to await

requisition. “If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under 46-30-204, that he has fled from justice, the judge or magistrate must by a warrant reciting the accusation commit him to the county jail for such a time not exceeding 30 days and specified in the warrant as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in 46-30-303 or until he shall be legally discharged.” [emphasis added.]

216. Both Montana and Texas have identical laws as both adopted the Uniform Criminal Extradition Act. Missoula County Montana Judge Karen Townsend and/or Missoula County Montana Judge John W. Larson and the Missoula County Attorney's Office allowed Ellis County Texas to detain William

M. Windsor longer than 30 days, and one or the other denied a Texas bond and a Montana bond with absolutely no legal authority to do so.

The authority for Montana officials to arrest a defendant wanted in another state for a crime is found in Section 46-30-227, MCA. **If the defendant does not consent to extradition, he must be committed to the county jail for not exceeding 30 days or admitted to bail**, Section 46-30-302, MCA, to provide time to obtain a requisition from the demanding state. Upon receipt of the requisition, the Governor of this state may then issue an arrest warrant against the defendant. Section 46-30-213, MCA. **The 30-day period is a limitation upon the power of Montana to hold the defendant without a requisition from the demanding state when Montana proceeds against him under Section 46-30-227, MCA (State v. Campbell, 761 P.2d 393, 233 Mont. 502 (Mont. 09/12/1988).) [emphasis added.]**

217. The 30 day commitment runs from the date of incarceration.

218. The laws in Montana and Texas are identical. Montana Code

Annotated 46-30-302 is identical to the TCCrP.

“The authority for Montana officials to arrest a defendant wanted in another state for a crime is found in Section 46-30-227, MCA. **If the defendant does not consent to extradition, he must be committed to the county jail for not exceeding 30 days or admitted to bail**, Section 46-30-302, MCA, to provide time to obtain a requisition from the demanding state. Upon receipt of the requisition, the Governor of this state may then issue an arrest warrant against the defendant. Section 46-30-213, MCA. The 30-day period is a limitation upon the power of Montana to hold the defendant without a requisition from the demanding state when Montana proceeds against him under Section 46-30-227, MCA.” (*State v. Campbell*, 761 P.2d 393, 233 Mont. 502 (Mont. 09/12/1988).) **[emphasis added.]**

219. The statute says “committed to the county jail for not exceeding 30 days or admitted to bail...” “Committed” means put in jail. William M. Windsor was put in jail on October 28, 2014, and he appeared before the Ellis County Texas

Magistrate on October 29, 2014. The 30 days expired on either November 26 or November 27, 2014.

“On April 9, 1975... a detainer was filed against him by the State of New Jersey, pursuant to a bench warrant. The Uniform Criminal Extradition Act[1] provides that **an accused person may be committed for a period of thirty days until the requisition papers are forwarded from the demanding state.**[2] However, **if a warrant from the governor of the demanding state is not forthcoming the accused person must be discharged.** In the case at bar, the thirty day period expired on May 9, 1975.[3] The instant situation is directly covered by the recent case of *Commonwealth ex rel. Knowles v. Lester*, 456 Pa. 423, 321 A.2d 637 (1974). Our supreme court there held: **‘The clear intent of section 15 of the Uniform Criminal Extradition Act is that an alleged fugitive may not be committed for more than thirty days** (footnote omitted) while awaiting the warrant of the governor of the demanding state. (citations omitted). . . . This failure to comply with the provisions of the Uniform Criminal Extradition Act, (citations omitted), energizes the statutorily-provided remedy *558 of habeas corpus. (citation omitted).’ 456 Pa. at 428, 321 A.2d at 640-41. . . . **Appellant was incarcerated for a period exceeding 30 days without the requisition papers from the demanding state being forwarded. We conclude he was entitled to have the writ of habeas corpus issue as the remedy for illegal confinement under the Act. The order of the lower court is reversed, the writ of habeas corpus is granted,** and the detainer filed by the State of New Jersey is dismissed.” (*COMMONWEALTH PENNSYLVANIA v. MANFRED HUDE*, SUPERIOR COURT OF PENNSYLVANIA, 364 A.2d 413, 242 Pa. Super. 555 (09/27/76).) **[emphasis added.]**

220. Therefore, William M. Windsor’s 30 day period expired on November 27, 2014.

221. There is no provision that the asylum state is authorized to detain an individual for any period of time before the 30 day commitment time period begins to run.

222. The 30 days begins at commitment.

223. Again, as a matter of law, William M. Windsor's 30 day period expired on November 27, 2014.

224. The asylum state must discharge any individual at the end of the 30 day commitment unless the demanding state has produced a rendition warrant or a court has ordered an extension.

TEXAS CODE OF CRIMINAL PROCEDURE ARTICLE 51.13 (UNIFORM CRIMINAL EXTRADITION ACT) Sec. 17. EXTENSION OF TIME OF COMMITMENT; ADJOURNMENT. "If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant or bond, a judge or magistrate may discharge him or may recommit him for a further period not to exceed sixty days, or a judge or magistrate may again take bail for his appearance and surrender, as provided in Section 16, but within a period not to exceed sixty days after the date of such new bond."

225. William M. Windsor must have demanded his release prior to efforts to get an extension. He demanded daily from Day 31 to Day 53 that he be released. Habeas Petitions were filed on December 2 and 11, 2014 after 30 days and before any effort was made to get an extension. (Appendix-Exhibits-10-12.)

"We therefore find that in order for petitioner to have been released on a petition for writ of habeas corpus on the ground that he was held for 3 days without a proper court order while awaiting the issuance and service of the requisition warrant, he **should have filed the same and demanded release prior to the service of the rendition warrant** of the State of Illinois." (*People Ex Rel. Vasquez v. Pratt*, 322 N.E.2d 74, 24 Ill. App.3d 927 (Ill.App. Dist.3 01/13/1975).) [**emphasis added.**]

226. The amount of time that an allegedly-accused person may be held may be extended for another 60 days IF all laws were complied with prior to Day 30 and if the Texas judge or magistrate extends the time prior to Day 30. If the allegedly-accused is not discharged after 30 days and no extension is ordered by a Texas judge or magistrate, the law has been violated, and the allegedly-accused has been imprisoned illegally. If the matter is legally extended for up to 60 days, the allegedly-accused is again allowed a new Texas bond. If the allegedly-accused is held beyond 30 days and is not granted a new bail, the law has been violated, and the allegedly-accused has been imprisoned illegally.

227. In this case, William M. Windsor was not discharged. The demanding state had not produced anything. There was no request for an extension, and Ellis County Texas Judge Cindy Ermatinger had not ordered an extension.

228. The record will show that there was no request for an extension until an oral request on December 19, 2014. Due to the fact that no extension had been sought as of Day 30 and William M. Windsor filed his habeas corpus petitions before a belated attempt was made to seek an extension, William M. Windsor must be discharged. (Appendix-Exhibits-10-12.)

“On day 31 Lovejoy filed a motion stating that his 30 days were expired and no extension had been sought. There was a hearing on Lovejoy's motion, where the judge denied the motion and went on to order recommitment for 60 days. The court had no authority to do that because it had allowed the first 30 days to expire.” (*EUGENE LOVEJOY v. STATE VERMONT AND*

JOSEPH, SUPREME COURT OF VERMONT, No. 87-137, 531 A.2d 921, 148 Vt. 239 (07/10/87).)

229. Here, the 30 days expired and there was no warrant or extension.

230. The individual must assert his right to a discharge before the holding state receives the rendition warrant.

“On April 9, 1975... a detainer was filed against him by the State of New Jersey, pursuant to a bench warrant. The Uniform Criminal Extradition Act[1] provides that **an accused person may be committed for a period of thirty days until the requisition papers are forwarded from the demanding state.**[2] However, **if a warrant from the governor of the demanding state is not forthcoming the accused person must be discharged.** In the case at bar, the thirty day period expired on May 9, 1975.[3] The instant situation is directly covered by the recent case of *Commonwealth ex rel. Knowles v. Lester*, 456 Pa. 423, 321 A.2d 637 (1974). Our supreme court there held: **‘The clear intent of section 15 of the Uniform Criminal Extradition Act is that an alleged fugitive may not be committed for more than thirty days** (footnote omitted) while awaiting the warrant of the governor of the demanding state. (citations omitted). . . . This failure to comply with the provisions of the Uniform Criminal Extradition Act, (citations omitted), energizes the statutorily-provided remedy *558 of habeas corpus. (citation omitted).’ 456 Pa. at 428, 321 A.2d at 640-41. . . . **Appellant was incarcerated for a period exceeding 30 days without the requisition papers from the demanding state being forwarded. We conclude he was entitled to have the writ of habeas corpus issue as the remedy for illegal confinement under the Act. The order of the lower court is reversed, the writ of habeas corpus is granted,** and the detainer filed by the State of New Jersey is dismissed.” (*COMMONWEALTH PENNSYLVANIA v. MANFRED HUDE*, SUPERIOR COURT OF PENNSYLVANIA, 364 A.2d 413, 242 Pa. Super. 555 (09/27/76).) **[emphasis added.]**

231. William M. Windsor requested his discharge orally and in writing to the officers at the Ellis County Texas Jail daily from November 27 to December 19, 2014. He requested his discharge to Judge Cindy Ermatinger on November 21

and 25, December 5 and 19, 2014. He requested his discharge in filings of habeas petitions on December 2 and 11, 2014. (Appendix-Exhibits-10-12-6-8-11-15.)

232. William M. Windsor filed the appropriate petition for habeas seeking discharge well before Montana produced a Governor's Warrant. The petition should have been granted by December 19, 2014 at the latest. In any case, after November 27, 2014, the State of Texas was illegally detaining him.

"We therefore find that in order for petitioner to have been released on a petition for writ of habeas corpus on the ground that he was held for 3 days without a proper court order while awaiting the issuance and service of the requisition warrant, he **should have filed the same and demanded release prior to the service of the rendition warrant** of the State of Illinois." (*People Ex Rel. Vasquez v. Pratt*, 322 N.E.2d 74, 24 Ill. App.3d 927 (Ill.App. Dist.3 01/13/1975).) [**emphasis added.**]

233. The State of Texas lost jurisdiction over William M. Windsor on (day 31). Any orders or bonds issued after that date are invalid for want of jurisdiction.

"Then under Section 15 of the Uniform Criminal Extradition Act (Code Ann. § 44-415; Ga.L.1951, pp. 726, 731) provides that if the examination before the judge or magistrate shows that the person held is the one charged, that he has fled from justice, **the judge must by warrant reciting the accusation commit him to the county jail for such time not exceeding 30 days** and specified in the warrant **as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition from the executive authority of the state from which he fled.** The habeas corpus petition was filed on March 18, 1967, and a hearing thereon was set for March 25, 1967, wherein it was shown that the requisition papers were in the hands of the governor of this state and the accused had requested a hearing before the governor nor before his warrant issued. Under these circumstances it was not error to refuse to release the accused and leave him

in custody. (*Bearden v. State*, 155 S.E.2d 5, (5/18/1967).) [**emphasis added.**]

(See also *Commonwealth ex rel. Knowles v. Lester*, 456 Pa. 423, 321 A.2d 637 (1974); *Commonwealth ex rel. Marion Jacobs v. A.S. Dgiacintio*, 468 A.2d 1118, 321 Pa. Super. 536 (07/26/83); *Utah v. Terry Robert Jensen*, 818 P.2d 551, 170 Utah Adv. Rep. 30 (09/30/91); *King v. Mitchell*, 14 Or.App. 382, 513 P.2d 519 (Or.App. 08/27/1973).)

234. ISSUE #19: Should the relief requested in the petitions for writ of habeas corpus be granted?

235. Yes.

236. The first habeas petition should have been filed. Based upon the facts and the law, William M. Windsor should have been released or granted a Texas bond.

237. Habeas Petition #1 should have been granted. Based upon the facts and the law, William M. Windsor should have been released or granted a Texas bond.

238. Habeas Petition #2 should have been granted. Based upon the facts and the law, William M. Windsor should have been discharged, released, or granted a Texas bond.

239. Habeas Petition #3 should have been granted. Based upon the facts and the law, William M. Windsor should have been discharged, released, or granted a Texas bond.

PRAYER

WHEREFORE, William M. Windsor prays that this Court:

- a. issue a Writ of Habeas Corpus;
- b. declare the rights of the parties;
- c. order that William M. Windsor has been illegally restrained in his liberty by the State of Texas;
- d. order that William M. Windsor was illegally detained and incarcerated in the Ellis County Texas Jail and should have been released by the Magistrate on October 29, 2014;
- e. order the release William M. Windsor effective October 29, 2014;
- f. order that William M. Windsor was illegally denied bail;
- g. order that William M. Windsor and all people detained on extradition in Texas have a right to a Texas bond, not a bond from the state seeking to extradite them;
- h. order that William M. Windsor was illegally denied discharge;
- i. order the discharge of William M. Windsor effective November 27, 2014 and vacate all subsequent orders and bonds issued in connection with his commitment;
- j. address each of William M. Windsor's points on his appeals so that the law can be made clear to the Ellis County Texas authorities and authorities throughout the great State of Texas ;
- k. order that William M. Windsor was denied due process, denied use of a law library, denied filing of his petition for writ of habeas corpus, and denied action by a judge on the petition for writ of habeas corpus;
- l. order that the lack of access to a law library is a violation of Constitutional rights;
- m. order that the bond was excessive;
- n. order that Ellis County Texas has violated the cruel and unusual punishments clause of the Eighth Amendment of the United States Constitution;
- o. order that Ellis County Texas Judge Cindy Ermatinger violated William M. Windsor's rights when she told him that she did not have the authority to hear a petition for writ of habeas corpus;
- p. order that the alleged PR Bond of December 19, 2014 was invalid as it was not fully executed;
- q. order that Ellis County Texas did not have jurisdiction over William M. Windsor on December 30, 2014;

- r. order that William M. Windsor was not served with notice of the December 30, 2014 hearing;
- s. order that any action taken at the hearing on December 30, 2014 is null and void;
- t. issue an Order to Show Cause to Ellis County Texas District Attorney to show cause why he should not be disbarred for his actions in this matter; and
- u. grant any other relief that this Court deems just and proper.

Submitted this 26th day of January, 2015,



William M. Windsor

110 East Center Street #1213, Madison, South Dakota 57062, 770-578-1094,
Email: windsorinmontana@yahoo.com

VERIFICATION

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.

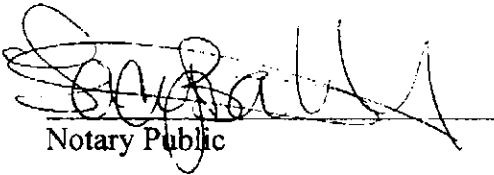
I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 26th day of January 2015.



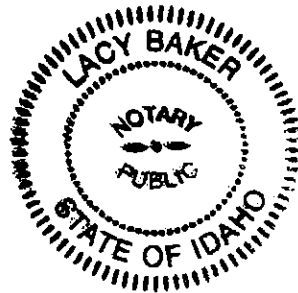
William M. Windsor

Sworn and subscribed before me this 26th day of January 2015.



Notary Public

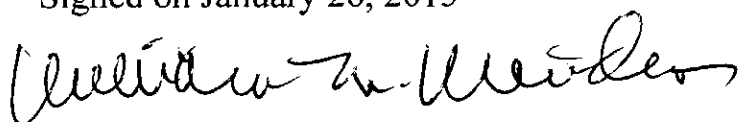
State of Idaho County of ADA
Subscribed and sworn before me on 1/26/15
[Signature]
(Date)
(Notary Signature)



CERTIFICATION

I certify that I have reviewed the Motion and have concluded that every factual statement in the Motion is supported by competent evidence included in the Appendix and the Record.

Signed on January 26, 2015

A handwritten signature in cursive script, appearing to read "William M. Windsor".

William M. Windsor

110 East Center Street #1213, Madison, South Dakota 57062, 770-578-1094,
Email: windsorinmontana@yahoo.com

CERTIFICATE OF COMPLIANCE

I certify that the foregoing has been prepared using Times Roman 14-point type, and the total number of words, excluding the required preliminary information and the certifications at the end, is 14,660.

Signed on January 26, 2015



William M. Windsor

110 East Center Street #1213, Madison, South Dakota 57062, 770-578-1094,
Email: windsorinmontana@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that I will serve the Ellis County District Attorney with a copy of this Appellant's Brief by United States Postal Service.

Patrick Wilson

Ellis County District Attorney

109 South Jackson Street

Waxahachie, Texas 75165

Signed on the 26th day of January 2015,



William M. Windsor

110 East Center Street #1213, Madison, SD 57042, 770-578-1094, Email:
windsorinmontana@yahoo.com