

Case No. 14-158

In RE: WILLIAM WINDSOR

JUDICIAL
DISTRICT COURT
EL PASO COUNTY TEXAS

FIRST AMENDED APPLICATION FOR
WRIT OF HABEAS CORPUS SEEKING
DISCHARGE, BAIL AND/OR BAIL
REDUCTION, AND CHALLENGING
LEGALITY OF ARREST

NOW COMES WILLIAM W. WINDSOR
("RELATOR") AND UNDER THIS FIRST
AMENDED APPLICATION FOR WRIT OF
HABEAS CORPUS SEEKING DISCHARGE,
BAIL AND/OR BAIL REDUCTION, AND
CHALLENGING LEGALITY OF ARREST
PURSUANT TO ARTICLE 51 OF THE TEXAS
CODE OF CRIMINAL PROCEDURE,
AND SHOWS THE CASE AS
FOLLOWS:

FACTUAL BACKGROUND

1. THE FACTUAL BACKGROUND IS PROVIDED IN THE AFFIDAVIT OF WILLIAM W. WINDSOR ATTACHED HERETO AS EXHIBIT 1.

INTRODUCTION

2. THE RELATOR HAS BEEN ILLEGALLY ARRESTED, ILLEGALLY INCARCERATED, ILLEGALLY DENIED BOND, AND ILLEGALLY DENIED DISCHARGE AFTER 30 DAYS. DECEMBER 11, 2014 IS THE ~~LAST~~ DAY ~~OF~~ THAT THE RELATOR HAS BEEN RESTRICTED OF HIS LIBERTY.
3. THE RELATOR IS NOT A FUGITIVE FROM JUSTICE. THERE IS NO GOVERNMENT'S WARRANT AND THERE IS NO JUDGE'S WARRANT. THERE IS NO COMPLAINT. THERE IS NO VALID AFFIDAVIT OF PROBABLE CAUSE. THERE HAS BEEN NO INQUIRY INTO THE RELATOR'S IDENTITY. THERE IS NO INDICTMENT. THE ONLY DOCUMENT SIGNED BY THE JUDGE HAS AN UNSIGNED PROBABLE CAUSE SECTION, AND IT STATES THAT THERE IS NO ACTIVITY CHARGING THE RELATOR WITH THESE OFFENSES. THE RELATOR PROVIDED ~~BOND~~ A BOND, BUT THE ELUS COUNTY

SHERIFF'S DEPARTMENT PAUL
REFUSED TO ACCEPT, FALSELY
CLAIMING THAT A JUDGE IN
MOVEMENT HAD TO APPROVE ANY
BOND AND HAD REFUSED TO DO SO.

4. ARTICLE 51.13 SECTION 15 OF THE
TEXAS CODE OF CRIMINAL PROCEDURE
PROVIDES THAT THE RELATOR
MAY BE HELD FOR NO MORE
THAN 30 DAYS, BUT THE
ELVIS CANNON SHERIFF'S DEPARTMENT
HAS REFUSED TO RELEASE THE
RELATOR UPON DEMAND EVERY
DAY SINCE DAY 30. DECEMBER
10, 2018 MARKS THE 43RD DAY.
5. THE RELATORS EFFORTS TO BE
RELEASED AND TO FILE A PETITION
FOR WRIT OF HABEAS CORPUS HAVE
BEEN DENIED REPEATEDLY.

6. THE RELATOR'S CONFINEMENT AND RESTRAINT ARE ALSO ILLEGAL BECAUSE BOND IS EXCESSIVE, OPPRESSIVE, AND BEYOND THE FINANCIAL MEANS OF THE RELATOR 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 TEXAS CODE OF CRIMINAL PROCEDURE.

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ARGUMENT

4. THE RELATOR WAS ILLEGALLY DETAINED OR ARRESTED BY THE ELLIS COUNTY SHERIFF'S DEPARTMENT.

7. ~~THE~~ THE RELATOR WAS ILLEGALLY DETAINED OR ARRESTED BY THE ELLIS COUNTY SHERIFF'S DEPARTMENT.

8. ~~THIS~~ 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.

9. ~~THE~~ THE FIRST MEANS OF EXTRADITION IN TEXAS IS CONTAINED IN ARTICLES 51.01 TO 51.12 OF THE CCCP. ALL RELATE TO PEOPLE WHO HAVE FLED FROM JUSTICE IN ANOTHER STATE. ARTICLES 51.01, 51.02, 51.03, 51.04, 51.05, 51.06, ~~51.07~~, 51.08, 51.11, AND 51.12 EACH REFER SPECIFICALLY TO FUGITIVES FROM JUSTICE—THOSE WHO FLED FROM ANOTHER STATE, IF 51.01 TO 51.12 APPLY, ARTICLES 51.01, 51.02, 51.03, 51.04, ^{AND} 51.05 ~~HAVE~~ ALL BEEN VIOLATED.

10. ~~10. 10. 10.~~ There is no evidence that the Relator is the William M. Windsor named in the Bench Warrant. There are at least three Bill Windsor's who have lived in Dallas. There is no identifying information whatsoever in the documents contained in the District Attorney's file.

11. ~~11. 11. 11.~~ The second means of extradition in Texas is in Article 51.13 of the TCCrP. It applies to Governor's Warrants.

12. ~~12. 12. 12.~~ There is no evidence that the Relator fled from justice in another state, and the only document from the State of Montana, the Bench Warrant (Exhibit A), makes no claim that the person named fled from justice. None of the documents that came from the District Attorney's file indicate that the Relator is a fugitive or that he fled from justice. Therefore, Article 51.13 is the only statute that can pertain to the Relator. There is no legal authority for the arrest and continued incarceration of the Relator as shown in Article 51.13 Sections 14, 15, and 16. These requirements were not done. The Relator was not taken before a judge or magistrate; the Relator was not released after 30 days; and the Relator was denied bond.

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.

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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.

B. NEITHER MONTANA LAW NOR TEXAS LAW ALLOW EXTRADITION IN A CASE SUCH AS THIS.

13. (C)(D). To determine if Texas law enforcement officers have any right to arrest or detain the Relator, Montana law must be applied, if the charges are from Montana. Neither Montana nor Texas law allow extradition in a case such as this.

14. (D)(E). Montana statutes provide only one means of extradition – a Governor's Warrant. There is none in this case. 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

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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.

15. ~~15~~ ~~15~~ In this case, there is no Governor's Warrant, and Montana law does not provide for extradition in any other manner. The Bench Warrant is insufficient.

16. ~~16~~ ~~16~~ The so-called Affidavit of Probable Cause ("APC") (Exhibit B hereto) seems to indicate that the Relator committed a crime in Ellis County. If that were the case, Texas law does not allow extradition from Ellis County Texas to Ellis County Texas.

17. ~~17~~ ~~17~~ The APC is fatally defective. The first paragraph of the APC 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.

C. **THE RELATOR HAS BEEN ILLEGALLY INCARCERATED AND DENIED HIS LIBERTY.**

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18. ~~18.00~~ The Respondent and Ellis County have violated many provisions of TCCrP Article 51 and the Uniform Criminal Extradition Act ("UCEA"). The Relator's rights have been violated, and he has been denied due process.

19. ~~19.00~~ TCCrP Article 51 covers "fugitives from justice." 51.01 requires that a person must flee from another state. The Relator is not a fugitive. The Relator did not commit any crimes in Montana or Texas. The Relator did not flee from Montana to Texas. There is no sworn claim that the Relator fled from justice in Montana or Texas. The Relator is not a fugitive. (TCCrP Art. 51.01 and 51.13, Sec. 2.)

20. ~~20.00~~ There is no sworn claim that the Relator fled from justice in Montana or Texas as is required by TCCrP Article 51.01. The Relator has not been in Montana, and the Relator has been in Texas since he moved to Dallas on August 31, 2013 (with the exception of a few short trips out of state).

21. ~~21.00~~ Ellis County Sheriff's Deputies did not have the right to aid in the arrest of the Relator. He is not a fugitive, ^{AND THERE WAS NO CLAIM THAT HE WAS.} This violates TCCrP Article 51.02.

22. ~~22.00~~ There is no Magistrate's Warrant as required by TCCrP Article 51.03, 51.04.

There is a document in the District Attorney's file named "Affidavit of Probable Cause," but it was prepared at the Ellis County Jail by one of the officers who brought the Relator to the jail.

This violates the TCCrP. ^{IT IS NOT THE REQUIRED MAGISTRATE'S WARRANT.}

23. ~~23.00~~ There is no complaint. This violates TCCrP Articles 51.03 and 51.04. The Relator was not named. The state was not identified. The offense was not specified. There is no claim that the Relator fled to Texas from a state where an offense was committed.

24. ~~24.00~~ The so-called "Affidavit of Probable Cause" is defective for other reasons as well. It shows that the Relator is being detained for felonies, but then says it is for misdemeanors. The

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Relator was told orally that the warrant was from Montana, but the APC (Exhibit B) says "Texas" and then specifically says "Ellis County Texas." The arresting officer knew nothing about the Relator or the alleged charges. He had nothing sufficient with which to make such an affidavit. He had nothing sworn from Montana or Texas. The so-called Affidavit of Probable Cause must be thrown out.

25. ~~25. 01~~ There was not a proper form of demand from Montana. (See Exhibit A.) 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 the state from which he fled.

26. ~~26. 02~~ 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.

27. ~~27. 03~~ The APC 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 the Relator. It fails to identify any permanent order of protection in Montana or Texas, and it is silent as to what someone allegedly did to violate a protective order.

28. ~~28. 04~~ There is no indictment. There was, therefore, no properly-certified transcript of an indictment provided. This violates TCCrP Article 51.05.

29. ~~29. 05~~ The Relator 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 the Relator did

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appear before someone handling "arraignments," the Relator was not told that he could test the legality of his "arrest." The Relator does not believe he was arrested, certainly not legally. This violates TCCrP Article 51.13, Section 10.

30. ~~22/08~~ No one ever set a reasonable time for the Relator to apply for a writ of habeas corpus. This violates TCCrP Article 51.13, Section 10. The Relator was never directed to a court of record for purposes of obtaining such a writ. This violates TCCrP Article 51.13, Section 10. When the Relator appeared for the so-called "arraignment," the proceeding was not recorded or videotaped. This violates TCCrP Article 51.13, Section 10 (c). The Relator never appeared before a magistrate in the manner outlined in TCCrP Article 51. No proof was ever heard.

31. ~~22/08~~ Bail was not set in Texas based upon proper documentation. This violates TCCrP Article 51.05. The Relator's alleged offenses are not punishable by death or life imprisonment, so bond is required but denied to the Relator. The Relator provided a Texas bond and a Montana bond – both refused. This violates TCCrP Article 51.13, Sections 15 and 16.

32. ~~22/08~~ Texas law establishes that the Relator has been illegally detained and illegally incarcerated since October 28, 2014.

D. THE RELATOR HAS BEEN WRONGFULLY DENIED BOND.

33. ~~22/08~~ TCCrP Article 51.05 and 51.13 Sections 15 and 16 are the two statutes that authorize bond in extradition matters. Both statutes have been ignored.

34. ~~22/08~~ With limited exceptions, those arrested or detained may be released from jail on bond. The Relator has been wrongfully denied this fundamental right. At 66-years-old, the Relator has been separated from his life and held without the possibility of release on bond.

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35. ~~30~~. THE RELATOR CAN FIND NO CASE LAW TO SUPPORT THE IDEA THAT ANOTHER STATE CAN DICTATE BOND ON SOMEONE DETAINED IN TEXAS, AND THE EXTRADITION LAWS IN TEXAS CLEARLY PROVIDE FOR A TEXAS BOND.

36. ~~31~~. THE RELATOR HAS REPEATEDLY REQUESTED THAT HE BE RELEASED ON BOND, AND THIS HAS BEEN REPEATEDLY DENIED.

37. ~~32~~. 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.

38. ~~33~~. THERE IS NOTHING IN TEXAS LAW TO PROVIDE THAT A PERSON BEING HELD FOR EXTRADITION IS TO POST A BOND FROM ANOTHER STATE.

39. ~~34~~. THE IDEA THAT A BOND CAN BE SET BY A TEXAS JUDGE IS LUDICROUS. THE RELATOR NOW HAS DOCUMENTS SIGNED BY THE TEXAS MAGISTRATE AND TEXAS JUDGE CINDY ERNSTROBER THAT BOTH SPEAK TO THE BOND AND SAY "TEXAS."

40. REFUSING A MONTANA BOND
WOULD DENY THE ACCUSED'S
EXTRADITION RIGHTS, WOULD
FORCE YOU TO HAVE EXTRADITION,
WOULD FORCE ~~YOU~~ ^{USE THE RELATION} TO GO TO A
STATE THAT HAS FALSIFIED
CRIME AGAINST ~~THE~~ LHM.

41. THE EUGENE COUNTY SHERIFF'S
DEPARTMENT ERRONEOUSLY INSISTS
THAT ONLY A ~~RE~~ MONTANA BOND
APPROVED BY THE MONTANA JUDGE
WILL BE ACCEPTABLE. THE MONTANA
JUDGE IN THE RELATION'S
BOUNDSMAN THAT SHE WON'T ACCEPT
A BOND WITH THE RELATION APPEARS
IN MONTANA.

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42. THESE ARE JUST A FEW EXTORTION
CASES WHERE A TEXTS BOND WTS
SET PRIOR TO EXTORTION TO
ANOTHER STATE:

DRAXE V. SPRIORS, NO. 13-03-429-CV
(TEX. APP. DIST. 13 12/14/2006).

EX STATE JEROME WALL NO. 02-11-
00326-CR (TEX. APP. DIST. 02 11/21/2012).


EX STATE PHILIP FLETCHER HASSENGRUBER,
754 S.W. 20 835 (08/04/85).

EX STATE BRUCH, NO. 12-08-40367-CR
(TEX. APP. DIST. 12 02/18/2009).

NELLY NICHOLS ET AL V STATE, 255 S.W.2D
522, 158 TEX. CRIM. 367 (02/04/53).

EX STATE PHELAN, NO. 18-09-10493-CR
(TEX. APP. DIST. 14 10/08/2009).

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E. THE RELATOR WAS DENIED ACCESS TO A COURT TO SEEK REDRESS OF GRIEVANCES

43. ~~THE~~ THE RELATOR WAS NEVER INFORMED OF HIS HABEAS CORPUS RIGHT.

44. ~~THE~~ THE RELATOR WAS NOT GIVEN ACCESS TO A LAW LIBRARY.

45. ~~THE~~ THE RELATOR WAS DENIED THE RIGHT TO FILE THIS PETITION FOR WRIT OF HABEAS CORPUS BY THE CLERK OF THE DISTRICT COURT IN EL PASO COUNTY TEXAS. A TRUE AND CORRECT COPY OF THE LETTER DENYING FILING IS EXHIBIT F HERETO.

46. THE RELATOR WAS THEN DENIED CONSIDERATION OF HIS PETITION FOR WRIT OF HABEAS CORPUS WHEN HE PRESENTED IT TO JUDGE CANDY ERMATINGER IN HER COURTROOM ON NOVEMBER 25, 2014. JUDGE ERMATINGER ACCEPTED A COPY OF THE HABEAS PETITION BUT SAID SHE DID NOT HAVE JURISDICTION & CONSENT. SHE SAID MONTANA DID.

47. ON DECEMBER 4, 2014, THE RELATOR AGAIN ~~ATTEMPTED~~ ATTEMPTED TO HAVE JUDGE ERMATINGER HEAR HIS PETITION. SHE DENIED HIM, BUT THE HEARING WAS TO RETURN & ENTER ORDER.

48. ON DECEMBER 5, 2014, THE RELATOR ATTEMPTED TO REPLY HAVE HIS HABEAS DATA IN COURT, BUT HE WAS INFORMED THE JUDGE WAS OUT OF TOWN WHEN DECEMBER 15, 2014.

F. THE RELATOR HAS BEEN DENIED
RELEASE MANDATED BY TCCNY
ARTICLE 51.13 SECTION 15.

49 ~~40~~. ARTICLE 51.13 SECTION 15 PROVIDES
THAT THE RELATOR WAS TO BE
RELEASED AFTER 30 DAYS.
DECEMBER 10, 2014 IS DAY ~~49~~ 45.

50 ~~41~~. THE RELATOR MUST BE DISCHARGED
IMMEDIATELY.

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"THE UNIFORM CRIMINAL EXTRADITION ACT PROVIDES THAT AN ACCUSED PERSON MAY BE COMMITTED FOR A PERIOD OF THIRTY DAYS..."
(COMMONWEALTH OF PENNSYLVANIA V. MANERED STATE, 364 A.2D 413, 242 Pa. Super 555)

"THE CLEAR INTENT OF SECTION 15 OF THE UNIFORM CRIMINAL EXTRADITION ACT, ~~AS STATED ABOVE~~, IS THAT AN ALLEGED FUGITIVE MAY NOT BE COMMITTED FOR MORE THAN THIRTY DAYS (FUTURE OMITTED) WHILE AWAITING THE WARRANT OF THE GOVERNOR... " ... THIS FAILURE TO COMPLY WITH THE PROVISIONS OF THE UNIFORM CRIMINAL EXTRADITION ACT (CITATIONS OMITTED), ENERGETICALLY THE STATUTORILY-PROVIDED REMEDY *558 OF HASSETT CORPUS. "

(COMMONWEALTH EX REL. KNOWLES V. LESTER, 456 Pa. 423, 312 A.2D 637 (1974).)

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~~THE COURT HAS NOT BEEN ADVISED TO THE
DETERMINATION OF THE COURT AS TO THE
NECESSITY FOR FURTHER CONSIDERATION~~

"APPELLATE WAS RECALCITRATED FOR A PERIOD EXCEEDING 30 DAYS...

"WE CONCLUDE HE WAS ENTITLED TO HAVE THE WRIT OF HABEAS CORPUS ISSUED TO THE REMOVAL FROM ~~ILLEGAL~~ CONFINEMENT UNDER THE ACT." (COMMONWEALTH V. HUNDE, 364 A-2d 413, 242 Pa. Super 555.)

"... IN ORDER FOR PETITIONER TO HAVE BEEN RELEASED ON A PETITION FOR WRIT OF HABEAS CORPUS ON THE GROUNDS THAT HE WAS HELD FOR 3 DAYS WITHOUT A PROPER COURT ORDER WHILE WAITING THE INSURE AND SERVICE OF THE REQUISITION WARRANT, HE SHOULD HAVE FILED THE SAME AND DEMANDED RELEASE PRIOR TO THE SERVICE OF THE REQUISITION WARRANT..."

(CRUTCHFIELD V. REL. VASQUEZ V. PRATT, 322 N.E.2d 74, 24 ILL. APP. 3d 927.)

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6. THE RELATOR'S CONSTITUTIONAL AND CIVIL RIGHTS HAVE BEEN VIOLATED

51. ~~42~~ 42. There have been repeated violations of the Relator's rights. The Relator has been 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.

52. ~~43~~ 43. The Relator has attempted to get someone with the Sheriff's Department to read the laws and the documents so the Relator could be released, but no one will do it. The Relator has written to the District Attorney and has spoken with two Assistant District Attorneys, but they have done nothing. The Relator has twice appeared before 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.

53. ~~44~~ 44. The actions and inactions of the Ellis County Sheriff's Department, jail, District Attorney's Office, Clerk of the Court, and judicial employees are mind-boggling. The laws are clear.

54. ~~45~~ 45. The Relator has been held on an illegal arrest since October 28, 2014 and on refusal to accept bonds since October 29, 2014. This has been done in complete violation of the ~~RELATOR'S~~ Plaintiff's rights to due process and in repeated violation of Texas law.

55. ~~46~~ 46. The Relator should be released. In the alternative, he should be released on bond – a personal recognizance bond. Legal authority for a Texas bond is provided in TCCrP Article 51 and *Drake v. Spriggs*, No. 13-03-429-CV (Tex.App. Dist.13 12/14/2006).

56. ~~47~~ 47. The Relator has never been arrested before, never charged with a crime before, and does not even have a traffic or parking ticket in over 14 years. The Relator has never used drugs or committed a crime other than minor traffic violations. The Relator is a 66-year-old grandfather, a graduate of Texas Tech, and a corporate CEO for most of his career. The Relator regularly appears before Judge Bob Carroll in the 40th Judicial District Court in Ellis County

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TEXT AS THE PLAINTIFF IN A CIVIL ACTION. THE RELATOR HAS DONE NOTHING WRONG, AND HE IS NOT A FLIGHT RISK.

H. THE BOND AMOUNT IS EXCESSIVE.

THE RELATOR IS KNOWN BY MANY PEOPLE IN ELLIS COUNTY, INCLUDING AT LEAST EIGHT JUDICIAL EMPLOYEES, EACH OF WHOM KNOWS OR CAN ACCESS CONTACT INFORMATION FOR THE RELATOR. THE RELATOR HAS A PERSONAL ATTORNEY IN ELLIS COUNTY, JANITA EDGECOMB, WHO SHOULD ALWAYS KNOW HOW TO REACH THE RELATOR.

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THE RELATION

~~MR WINDSON~~ ATTEMPTED ELEMENTARY SCHOOL AND JUNIOR HIGH IN COLLEKINS, HIGH SCHOOL IN LUBBOCK, COLLEGE IN AUSTIN AND LUBBOCK, AND HE LIVED IN DALLAS FOR MANY YEARS AND MOVED BACK ON AUGUST 31, 2013.

THE RELATION

~~MR WINDSON~~ HAS TWO CIVIL ACTIONS IN ELLIS COUNTY §§ 611 AND 90610. HIS P.O. BOX IS 150209, DALLAS, TX 75315. HIS PHYSICAL ADDRESS IN DALLAS IS CONFIDENTIAL DUE TO SCHEDULE AND DEATH THREATS.

THE RELATION'S

~~MR WINDSON'S~~ SON, RYAN, LIVES IN AUSTIN. MR WINDSON HAS MANY FRIENDS AND ACQUAINTANCES IN DALLAS AND ELSEWHERE IN TEXAS.

THE RELATION

~~MR WINDSON~~ IS 66-YEARS-OLD, NEVER ARRESTED OR CHARGED WITH A CRIME, NEVER IN JAIL BEFORE, NOT EVEN A TRAFFIC OR PARKING TICKET IN OVER 14 YEARS

THE RELATOR

~~THE RELATOR~~ DID NOT COMMIT ANY CRIMES IN TEXAS - CAN PROVE HE WAS NOT IN MONTANA ON DECEMBER 30, 2013 WHEN DA PATRICK WILSON FALSELY CLAIMED HE WAS.

THE RELATOR ~~THE RELATOR~~ IS A LAW-ABIDING CITIZEN AND IS NOT A FLEEING RISK. \$100,000 IS BEYOND OURLIBERTIES. HE COMMITTED NO CRIME, BUT HIS NAME IS NAMING MONTANA AS THE MOST CORRUPT STATE IN AMERICA.

THE RELATOR
IF ~~THE RELATOR~~ HAS TO BE BOUNDED HERE, HE WILL THEN HAVE TO BE BOUNDED AGAIN IN MONTANA - VERY EXPENSIVE.

SHOULD THIS COURT NOT RETURN THAT ~~THE RELATOR~~ ^{THE RELATOR} MUST BE RELEASED, THEN HE SHOULD HAVE HIS BOND DRAMATICALLY LOWERED - PR BOND. ~~THE COURT SHOULD PAY THE BOND COSTS~~

\$100,000 BAIL WAS SOMETHING SET
BY A MOUNTAIN JUDGE THOUGH
THERE WAS NO INSTRUMENT.

THE TEXT MATTER ~~IS~~
SIMPLY RECEIVED THE AMOUNT.

"THE CIRCUMSTANCES UNDER WHICH
A CRIME IS COMMITTED IS A PROPER
CONSIDERATION UNDER ARTICLE 17.15
~~OF THE TEXAS~~ V.A.C.P. IN DETERMINING
THE AMOUNT OF BAIL TO BE RETURNED.
SEE KOW V. STATE, TEX. CR. APP., 402
S.W.2D 464." (SEE PART OF TAYLOR,
531 S.W.2D 335 (TEX. CRIM. APP. 1976)).

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THE ONLY BASIS FOR CHALLENGES AGAINST THE RELATED WARRANT BE THAT (A) A TEMPORARY ORDER OF PROTECTION DATED AUGUST 25, ~~2013~~ 2013 THAT STAYS IT EFFERED IN MID-SEPTEMBER 2013, IS SOMEHOW VALID; (B) A MOWBANT ORDER OF PROTECTION IS VALID IN TEXAS WHEN MOWBANT STATUTES PROVIDE THAT IT IS ONLY VALID IN MOWBANT; AND (C) ~~SENTIN~~ SENDING A MOWBANT CITIZEN IN A TEXAS COURT AND SENDING COPIES OF COURT RECORDS REQUIRED BY RULES OF THE TEXAS RULES OF CIVIL PROCEDURE IS A PENNY IN MOWBANT.

Warrant
\$100,000 BOND IS OUTRAGEOUS SINCE THE RELATION WAS NEVER BROKEN A LAW. \$100,000 BOND IS UNTHINKABLE IF THE CHARGES ARE THAT THE RELATION UNDER SERVICE COMES OF FIVE LEGAL FILINGS TO A MOWBANT DEPENDANT.

Texas as the Plaintiff in a civil action. The Relator has done nothing wrong, and he is not a flight

risk.
to see

PRAYER

WHEREFORE, the Relator prays that this Court:

- a. issue a Writ of Habeas Corpus;
- b. declare the rights of the parties;
- c. order the Respondent to release the Relator; *and to pay a bond*
- ~~d.~~ order that bond be lowered to a personal recognizance bond;
- ~~e.~~ order that the Relator may not be arrested again on these charges; and
- ~~f.~~ grant any other relief that this Court deems just and proper.

Submitted this ~~20th~~ ^{19th} day of ~~November~~ ^{December}, 2014,

William M. Windsor

William M. Windsor

Housing Unit P, Booking Number 4019-14, Wayne McCollum Detention Center, 300 S Jackson Street, Waxahachie, Texas 75165, No Phone, Email: windsorinjail@yahoo.com

VERIFICATION

I, William M. Windsor, being presently incarcerated in Ellis County Jail, declare under penalty of perjury that, according to information and belief, the foregoing information and allegations of the Petition are true and correct.

Signed on ~~20th~~ ^{Dec 19} November ~~20~~, 2014,

William M. Windsor

William M. Windsor

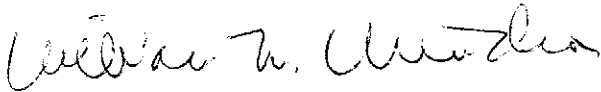
Windsor

[Handwritten marks]

CERTIFICATION

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

Signed on ^{PET 19} November 20, 2014,



William M. Windsor
Housing Unit P
Booking Number 401-14-1019-14
Wayne McCollum Detention Center
300 S. Jackson Street
Waxahachie, Texas 75615
No Phone
Email: windsorinjail@yahoo.com

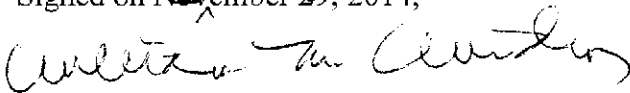
CERTIFICATE OF SERVICE

The Relator has sent a copy of this Petition by mail to the respondent and to the Prosecuting Attorney representing the State:

Sheriff Johnny Brown, Ellis County Sheriff, 300 S. Jackson Street, Waxahachie, Texas 75165.

Ellis county DA Office, 109 S. Jackson Street, Waxahachie, Texas 75165.

Signed on ^{Nov 18} November 20, 2014,



William M. Windsor



~~NO.~~

In re: ~~William M. Windsor~~
~~Relator,~~

~~IN THE COURT~~

~~OF CRIMINAL APPEALS~~

~~STATE OF TEXAS~~

EXHIBITS

PETITION FOR WRIT OF HABEAS CORPUS SEEKING RELIEF FROM
CONFINEMENT IN ELLIS COUNTY JAIL AND/OR BOND OR BOND REDUCTION

APPENDIX

EXHIBIT I -- AFFIDAVIT

Exhibit A -- Bench Warrant

Exhibit B -- Probable Cause Statement

Exhibit C -- Arrest Report

Exhibit D -- Warrant Pending Order

Exhibit E -- Release Demand to Ellis County Sheriff's Department

Exhibit F -- Letter from Clerk of the Court

Exhibit G -- Montana extradition statute

Exhibit H -- Texas Code of Criminal Procedure Article 51

Exhibit I -- Proof of Confinement

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