

CASE NO. _____

WILLIAM M. WINDSOR
PETITIONER

v.

SHERIFF JOHNNY BROWN,
RESPONDENT

____ TH JUDICIAL

DISTRICT COURT

ELLIS COUNTY TEXAS

APPLICATION FOR WRIT OF HABEAS CORPUS
SEEKING RELIEF FROM DENIAL OF DUE PROCESS
AND SEEKING RELIEF FROM CONFINEMENT
IN ELLIS COUNTY JAIL

~~GENERAL DENIAL~~

1. WILLIAM M. WINDSOR ("WINDSOR") FILED THIS
APPLICATION FOR WRIT OF HABEAS CORPUS SEEKING
RELIEF FROM DENIAL OF DUE PROCESS AND
SEEKING RELIEF FROM CONFINEMENT IN
ELLIS COUNTY JAIL. WINDSOR SHOWS THE COURT:

INDICATIONS

2. WINDSOR IS BEING HELD IN THE ELLIS
COUNTY JAIL WITHOUT BOND. WINDSOR
HAS SUFFERED NUMEROUS DUE
PROCESS VIOLATIONS. WINDSOR MUST
BE RELEASED.

PARTIES

3. WINDSOR IS THE DEPUTY WARDEN, HOUSING UNIT
"O" # 4019-14 CLAYBURN MCCELLUM DETAIL,
300 S JACKSON, WARRICK CITY, TX 75151.

4. SHERIFF JOHNNY BROWN IS THE RESPONDENT, ELLES COUNTY SHERIFF'S DEPARTMENT, 300 S. JACKSON, WINTHROP, TEXAS 75165.

STATEMENT OF FACTS

5. I WAS IN MOYANA FOX APPROXIMATELY TWO WEEKS IN MID-AUGUST 2013. I WAS THERE TO FILM FOR MY DOCUMENTARY FILM AND FOR A PROPOSED WEEKLY TELEVISION SERIES. THE STORY WAS ABOUT CORRUPTION INVOLVING A CYBERSTALKER NAMED SEAN BOUSHIE.

6. I WAS UNSUCCESSFUL IN GETTING ANY LAW ENFORCEMENT AGENCY OR ANY COURT TO DO ANYTHING ABOUT THE MANY CRIMES OF SEAN BOUSHIE. BUT SEAN BOUSHIE LIED TO THE MISSOURI MUNICIPAL COURT AND OBTAINED A TEMPORARY ORDER OF PROTECTION ("TOP") AGAINST ME. IT STATES THAT IT EXPIRES IN SEPTEMBER 2013. A TRUE AND CORRECT COPY OF THE TOP IS FILED IN CASE NO. 090611 IN THE 40TH JUDICIAL DISTRICT COURT

IN COLLIS COUNTY TEXAS, REFERENCED
AND INCORPORATED HEREIN AS IF
ATTACHED HERETO.

7. MONTANA LAW REQUIRES A PRESENT HEARING
AND THE GRANT OR DENIAL OF A
PERMANENT ORDER OF PROTECTION ("POP")
THERE WAS NEVER A HEARING, THERE
HAS NEVER BEEN A POP ISSUED. I FILED
A DETAILED SWORN AFFIDAVIT AND
MOTION, BUT THE COURT DID NOT ACT
UPON IT

8. THOUGH THE TCF HAS EXPIRED, I HAVE
CONTINUED TO HOLD THE TERMS.
I HAVE NOT BEEN IN MONTANA SINCE
THE LAST WEEK IN AUGUST 2013.
I HAVE NO COMMUNICATION WITH
SEAN BOUSLIE OR HIS WIFE.

9. I HAVE SWORN SEAN BOUSLIE AND HIS
CO-CONSPIRATORS IN CASE NO. 5861 IN
THE 40TH JUDICIAL DISTRICT COURT IN COLLIS
COUNTY TEXAS. SEAN BOUSLIE WAS SERVED
WITH THE CITATION AND PETITION BY A
ROVALI COUNTY SHERIFF'S DEPUTY IN
JANUARY 2014.

10. SEAN BOUSHIE FILED A MOTION FOR PROTECTIVE ORDER AGAINST ME IN 88611 IN COLLIER COUNTY TEXAS ON JANUARY 28, 2014. IT WAS NOT GRANTED. MONTANA STATUTES PROVIDE THAT A MONTANA ORDER OF PROTECTION IS ONLY VALID IN MONTANA.

11. SEAN BOUSHIE FILED AN ANSWER AND MOTION TO DISMISS IN 88611 ON FEBRUARY 18, 2014. HE SHOWED HIS HOME ADDRESS IN STEVENSVILLE, MONTANA AS HIS ADDRESS FOR CASE NO. 88611.

12. SEAN BOUSHIE FILED OTHER DOCUMENTS IN 88611, AND HE USED HIS STEVENSVILLE, MONTANA ADDRESS.

13. PURSUANT TO THE TEXAS RULES OF CIVIL PROCEDURE, I SERVED DEFENDANT SEAN BOUSHIE AS REQUIRED BY THE RULES. I ATTEMPTED TO SERVE HIM THROUGH THE COURT, THROUGH AN ATTORNEY HE HAS USED, AND THROUGH LEGAL COUNSEL OF THE UNIVERSITY OF MONTANA.

14. ON SEPTEMBER 16, 2014, JUDGE BOB CHAMBERLAIN ORDERED ME TO SERVE SEAN BOSWICK WITH NOTICE OF A HEARING ON OCTOBER 28, 2014. I DID SO.

15. ON OCTOBER 3, 2014, SEAN BOSWICK FILED A CHANGE OF ADDRESS IN 08611 TO A UNIVERSITY OF MONTANA ADDRESS IN MISSOULA, MONTANA. THE CHANGE OF ADDRESS DID NOT INDICATE WHOSE ADDRESS THIS WAS. I WAS SERVED WITH THIS NOTICE OF CHANGE OF ADDRESS OF SEAN BOSWICK.

16. I REALIZED THAT I INTENDED TO SEND THE NOTICE OF HEARING TO THIS NEW ADDRESS. BEFORE I DID, I RE-READ THE MONTANA PROTECTIVE ORDER STATUTES. THE STATUTES PROVIDE THAT ANYONE WHO HAS A PROTECTIVE ORDER MAY USE THE STATE OF MONTANA AS THE RECIPIENT OF LEGAL MAIL. SEAN BOSWICK COULD HAVE DONE SO AND ORDERED TO NOT RECEIVE SERVICE OF LEGAL DOCUMENTS IN 08611, BUT HE DIDN'T DO SO.

17. I RECEIVED THE NOTICE TO APPEAR BY A LOCAL PARTY AS I HADN'T DONE WITH EVERY MATTER REQUIRED UNDER THE TEXAS RULES OF CIVIL PROCEDURE.

18. SEAN BOUSHIE DID NOT APPEAR FOR THE HEARING ON OCTOBER 28, 2014.

19. AT THAT HEARING, JUDGE BOB CARROLL ORDERED SEAN BOUSHIE TO APPEAR FOR A HEARING IN 88611 ON NOVEMBER 6, 2014, BUT HE DID NOT APPEAR.

20. SHERIFF KILMAN AND THE ELUS COUNTY DISTRICT ATTORNEY ATTENDED MY HEARING.

21. AS I RAN DOWN THE ELEVATOR FOLLOWING THE OCTOBER 28, 2014 HEARING IN 88611, SEVERAL SHERIFF'S DEPUTIES ENTERED, ASKED ME MY DATE OF BIRTH, AND TOLD ME THERE WERE WARRANTS FOR ME FROM MONTANA.

22. I WAS NEVER TOLD THAT I WAS ARRESTED. I WAS NOT READ MY RIGHTS. I WAS NOT TOLD WHAT I WAS CHARGED WITH. I WAS TRANSPORTED TO THE ELUS COUNTY JAIL.

23. I ARRIVED IN BOOKING AT THE CELL'S
COUNTY JAIL AT ABOUT 5:30 PM ON
OCTOBER 29, 2014. I WAS NOT READ
MY RIGHTS. AFTER AN HOUR OR SO, I
WAS TOLD THAT THERE WAS A MURKINE
WARRANT FOR THREE FELONY CHARGES AND
TWO MISDEMEANOR CHARGES FOR
VIOLATION OF A PROTECTIVE ORDER.

24. I HAD NEVER BEEN IN JAIL BEFORE.

25. I TOLD THE BOOKING PERSONNEL THAT
I WOULD ARRANGE THE \$100,000 BOND.

26. I ASKED FOR A PHONE CALL, BUT I
WAS NOT GIVEN ONE UNTIL 2:00 AM
WHEN IT WAS TOO LATE TO REACH ANYONE.

27. I WAS "ARRAIGNED" THE MORNING OF
OCTOBER 29, 2014. THE JUSTICE OF THE
PEACE READ ME MY RIGHTS, TOLD ME I
~~HAD \$100,000 CHARGES~~, AND TOLD ME I
HAD A \$100,000 BOND. THE "ARRAIGNMENT"
HEARING DID NOT APPEAR TO BE RECORDED.
I WAS NEVER GIVEN A COPY OF MY
CHARGES. I WAS NOT TOLD

THAT I HAD THE RIGHT TO CONTEST
MY "ARREST." NO TIME WAS SET FOR
ME TO APPLY FOR A WRIT OF
HABEAS CORPUS. I WENT EVEN
TO TELL THAT I HAVE THAT RIGHT.
I WAS NOT DIRECTED TO A COURT OF
RECORD FOR PURPOSES OF OBTAINING SUCH
A WRIT.

28. THE MORNING OF OCTOBER 29, 2014,
I REACHED AN ELLIS COUNTY RURAL
BOND AGENCY WHO SAID THEY COULD
PROVIDE THE BOND IF AN OUT-OF-STATE
BOND WOULD BE ACCEPTED. A
CORPORAL IN BOOKING SPACE WITH
THE AUTHORITIES IN MONTANA WHO
REFUSED A TELLER BOND.

29. I BEGAN EFFORTS TO REACH A
MISSOURI MOTHER-A BAIL BOND SERVICE,
THAT HAPPENED THE EVENING OF
OCTOBER 29, 2014. BRAND OF "YOUR
BONDSMAN" AGREED TO PROVIDE
THE BOND AND GO TO THE COURT
THE NEXT DAY.

30. THE AFTERNOON OF OCTOBER 30, 2014,
I WAS INFORMED BY THE BOOKING
STAFF THAT THE MONTANA AUNTIE OFFICE REFUSED
TO ACCEPT THE MONTANA BOND. I WAS
MOVED TO "O" TANK IN THE ELLIS COUNTY JAIL.

31. I UNSUCCESSFULLY ATTEMPTED TO HIRE ^{CRIMINAL} ~~A~~ ATTORNEY.

32. I ARRANGED FOR A FRIEND, ~~XXXXXXXXXX~~
~~XXXXXXXXXX~~, TO COME PICK UP MY PERSONAL
PROPERTY. BOOKING REFUSED TO GIVE
HER MY BRIEFCASE OR LAPTOP. SHE WAS
TOLD THESE WERE EVIDENCE FOR MURDER-A.

33. I PURSUED THE BRIEFCASE AND LAPTOP
ISSUE SEVERAL DAYS LATER AND
RELEASE WAS APPROVED. MY FRIEND CAME
AND GOT IT. I FEEL IT WAS PROVIDED
TO THE DEFENDANTS IN CELL.

34. I BEGAN SENDING MAIL TO
VARIOUS PEOPLE ON OCTOBER 31, 2014.
AS OF NOVEMBER 11, 2014, NONE OF THAT
MAIL HAS BEEN RECEIVED OR RETURNED.

35. ON NOVEMBER ¹⁷ ~~16~~, 2014 AT 4:30 PM, I
WAS INFORMED THAT THE ATTORNEY WITH
WHICH I HAD TO FILE A HABEAS CORPUS WAS
NOT HANDLING MY CASE. I HAD UNDERSTOOD
CHAPTER 51 OF THE TERC LOAF OF CRIMINAL
PROCEDURE ~~SO I~~ BEGAN SENDING EXTRADITION
LETTERS.

CONTENTIONS

26. I AM NOT A FUGITIVE. I DID NOT COMMIT ANY CRIME IN MONTANA AND FLEE. (TREV. RULES OF CRIMINAL PROCEDURE ("TRCYP") ARTICLE 51.01; M.T. S.13, S.2.) I AM BEING HELD ILLEGALLY.

27. THERE IS NO RECORD THAT A COMPLAINT ^{WAS} MADE TO A MAGISTRATE IN FELTS COUNTY THAT I AM A FUGITIVE FROM JUSTICE IN MONTANA (TRCYP ART. 51.03) I AM BEING HELD ILLEGALLY.

28. I WAS NEVER SHOWN A COMPLAINT. IT IS, THEREFORE, INSUFFICIENT. (TRCYP ART. 51.04) I AM BEING HELD ILLEGALLY.

29. I NEVER APPEARED BEFORE A MAGISTRATE, SO NO PROOF WAS EVER HELD, MY BAIL WAS NEVER SET. (TRCYP ART. 51.05) I AM BEING HELD ILLEGALLY.

30. NO PROPERLY CERTIFIED TRANSCRIPT OF MY INDICTMENT WAS EVER PROVIDED. (TRCYP ART. 51.05). MY DUE PROCESS RIGHTS HAVE BEEN VIOLATED.

41. THERE IS NO GOVERNOR'S WARRANT OF ARREST FOR ME. (TRCP ART 51.13 SEC. 7) & AM BEING HELD ILLEGALLY.

42. I WAS NOT "TAKEN FORTHWITH" BEFORE A JUDGE OF A COURT OF RECORD, IN TEXAS, OR BEFORE A JUSTICE OF THE PEACE. (TRCP ART. 51.13 SEC 10). MY DUE PROCESS RIGHTS HAVE BEEN VIOLATED.

43. WHEN I DID APPEAR BEFORE SOMEONE HANDLING "ARRAIGNMENTS," I WAS NOT INFORMED THAT I COULD TEST THE LEGALITY OF MY "ARREST." (I DON'T BELIEVE I WAS ARRESTED.) (TRCP ART 51.13 SEC 10.) MY DUE PROCESS RIGHTS ~~HAVE~~ ^{HAVE} BEEN VIOLATED.

44. NO ONE EVER SET A REASONABLE TIME FOR ME TO APPLY FOR A WRIT OF HABEAS CORPUS. (TRCP ART. 51.13 SEC. 10.) MY DUE PROCESS RIGHTS HAVE BEEN VIOLATED.

45. I WAS NEVER DIRECTED TO A COURT OF RECORD FOR PURPOSES OF OBTAINING SUCH A WRIT. (TRCP ART 51.13 SEC 10) MY DUE PROCESS RIGHTS HAVE BEEN VIOLATED.

46. WHEN I APPEARED FOR THE CO-CARRIED ARRAIGNMENT, THE PROCEEDING WAS NOT RECORDED OR VIDEO TAPED. (TRCP ART 51.13 SEC 10(C).) MY DUE PROCESS RIGHTS HAVE BEEN VIOLATED.

47. IF I AM DELIVERED TO THE COURT FOR EXEMPTION OF MENTAL, AND ~~NO~~ OFFICER SO DOING WILL BE GUILTY OF A MISDEMEANOR. (CRCP ART. 51.13 SEC. 11.) MY DUE PROCESS RIGHTS WILL BE VIOLATED.

48. BOND HAS NOT BEEN SET BY A JUDGE OR MAGISTRATE IN TEXAS AS REQUIRED BY LAW. MY ALLEGED OFFENSES ARE NOT PUNISHABLE BY DEATH OR LIFE IMPRISONMENT. (CRCP ART. 51.13 SEC. 16.) I AM BEING HELD ILLEGALLY.

49. I HAVE BEEN HELD IN JAIL SINCE OCTOBER 28, 2014 IN COMPLETE VIOLATION OF MY RIGHTS TO DUE PROCESS AND IN REPEATED VIOLATION OF ARTICLE 51.13 OF THE TEXAS RULES OF CRIMINAL PROCEDURE.

50. I DID NOT COMMIT ANY CRIME. I HAD NEVER BEEN ARRESTED OR CHARGED WITH A CRIME IN MY LIFE (66 YEARS) PRIOR TO OCTOBER 28, 2014. BUT I DID NOT COMPLY WITH TEXAS RULES OF CIVIL PROCEDURE ("TCP") RULE 21. SEAN BOWSHIE PROVIDED THE ADDRESS FOR SERVICE THAT I USED.

THERE IS NO ORDER OF PROTECTION
~~THAT WAS ISSUED TO HAVE BEEN~~
VIOLATED, AND THE TEMPORARY ORDER
OF PROTECTION THAT WAS ISSUED WAS
TOTALY IMPROPER AND BASED ON
PERJURY. THE EVIDENCE OF THIS
HAS BEEN FILED IN CASE NO. 88611
IN THE 14TH JUDICIAL DISTRICT
COURT. I AM BEING HELD ILLEGALLY,

PRAYER

WHEREFORE, THE PETITIONER PRAYS
THE COURT WILL DO THE FOLLOWING:

1. ISSUE A WRIT OF HABEAS CORPUS;
2. RECLAIM THE RIGHTS OF THE PARTIES;
3. ORDER THE RESPONDENT TO RELEASE
THE PETITIONER;
4. ORDER THAT THE PETITIONER MAY NOT
BE ARRESTED OR INCARCERATED FOR IN
DEEDS BASED UPON THESE CHARGES; AND
5. GRANT ANY OTHER AND FURTHER RELIEF
THE COURT DEEMS PROPER

THIS 18TH DAY OF
NOVEMBER 2014

William M. Windsor
WILLIAM M. WINDSOR

VERIFICATION

I, WILLIAM M. WINDSOR, PRESENTLY
INCARCERATED IN ELLIS COUNTY
JAIL, DECLARE UNDER PENALTY
OF PERJURY THAT, ACCORDING TO
MY BELIEF, THE FOREGOING
INFORMATION AND ALLEGATIONS
OF THE APPLICATION ARE TRUE
AND CORRECT.

SIGNED ON NOVEMBER 18, 1934

William M. Windsor

WILLIAM M. WINDSOR