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REPORTER'S RECORD
VOLUME 2 OF 3 VOLUMES
TRIAL COURT CAUSE NO. 14-158
APPEAL COURT CAUSE NO. 10-14-00401-CR

STATE OF TEXAS) IN THE DISTRICT COURT
VS.) ELLIS COUNTY, TEXAS
WINDSOR M. WILLIAM) 443RD JUDICIAL DISTRICT

WRIT OF HABEAS CORPUS

On the 25th day of November, 2014, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Judge Ermatinger, Judge presiding, held in Waxahachie, Ellis County, Texas;

Proceedings reported by machine shorthand.

A P P E A R A N C E S

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ATTORNEY FOR THE STATE

Mr. William M. Windsor
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WITNESS	DIRECT	CROSS
NONE		

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STATE'S EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>OFFERED</u>	<u>ADMITTED</u>	<u>VOL.</u>
None				

DEFENDANT'S EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>OFFERED</u>	<u>ADMITTED</u>	<u>VOL.</u>
None				

1 P R O C E E D I N G S

2 Tuesday, November 25, 2014

3 *****

4 THE COURT: On the record, Kelly. I'm here
5 with William M. Windsor. I have no cause number. I
6 handled the first part of his extradition hearing on --
7 what date was that?

8 THE DEFENDANT: The 21st perhaps?

9 THE COURT: Was that the 21st?

10 Yes, the 21st of November. Mr. Windsor
11 filed a Writ of Habeas Corpus. I have a copy. I also
12 gave a copy to the State so they have a copy.

13 Mr. Windsor, on this writ the Court has no
14 jurisdiction for a writ. Right now I have jurisdiction
15 for the extradition. This writ, since it's from a --
16 for another state, that's why it can't be heard here in
17 this state. But we had the first part of your
18 extradition, you do not want to waive, so I set your
19 hearing for --

20 THE DEFENDANT: December 19th.

21 THE COURT: -- December 19th, thank you,
22 which is in our little 30-day range. If at that point
23 the governor's warrant is not here, the extradition --
24 the extradition act allows me to set you a different
25 bond but only to cover up until that 90-day period.

1 We've got to get you back in here 90 days from the time
2 you took custody. I think we decided was the 28th of
3 October.

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: I wanted to bring you in here
6 because I had not seen this, and I was kind of worrying
7 about, okay, I don't know where it's going. If you sent
8 it to the clerks, they couldn't file it because they
9 don't have jurisdiction of it. So that's why I wanted
10 to bring you up here. I've got your copy, and I
11 appreciate that, but I can't hear this writ on Montana's
12 bond.

13 THE DEFENDANT: Can I explain why I think
14 that's incorrect, Your Honor --

15 THE COURT: Of course you can.

16 THE DEFENDANT: -- respectfully? Maybe the
17 best thing to do is go to the end and go back.

18 THE COURT: Sure.

19 THE DEFENDANT: Montana law, which I
20 researched this morning, does not provide for
21 extradition under a bench warrant. It has a specific
22 similar Article 51 of the Texas Code of Criminal
23 Procedure. They have a very specific one. It provides
24 that it can be done based on an indictment and through
25 the governor. There is none of that. There is nothing

1 -- virtually nothing that's correct in what's been done
2 here.

3 The only thing from Montana -- because the
4 district attorney -- assistant district attorney was
5 kind enough to share the file with me, there's no
6 affidavit, there's no indictment, there's no
7 identification of me, there's no identification of what
8 the charges other than claiming in a bench warrant there
9 were violations of a protective order. There is no
10 protective order. There's no proof that it's me. I did
11 not flee from Montana. I've been here since -- I left
12 Montana the last week in August of 2013.

13 The -- the -- you -- you can't be held in
14 another -- in the State of Texas on something that's in
15 Montana without Texas dealing with it. The -- Article
16 51 -- and I could take you through each of the sections
17 and chapters. Article 51 provides that I should have
18 been provided with the things I was provided with when I
19 was picked up. I wasn't. I was then to be taken before
20 a magistrate and arraigned. I was taken before a
21 justice of the peace. It may or may not be a
22 magistrate --

23 THE COURT: Yes.

24 THE DEFENDANT: -- and he just recited
25 stuff just like he did to other people. And I think

1 it's a little different when you're an extradition
2 person because he was supposed to tell me about my
3 habeas corpus rights and a few other things. He did
4 seem to set a bond, and as I discussed with you last
5 time, it says at the top Texas. I posted -- I arranged
6 to post a Texas bond and it was refused. I then
7 arranged to post a Montana bond and they contacted the
8 people in Montana and they refused.

9 But Montana can't set a bond on me because
10 they haven't indicted me for anything, they haven't
11 arraigned me for anything, they haven't had me appear
12 before anything to read me charges or anything else or
13 to post a bond. This judge just -- just did.

14 So I have the right to seek a habeas corpus
15 petition because I'm incarcerated illegally. There's no
16 certified transcript, there's no proper documentation.
17 I didn't flee and that would have to be one of the
18 obligations under Article 51 is to say that I committed
19 a crime and fled. I'm 66 years old. I've never had a
20 traffic or parking ticket in 14 years, never been
21 arrested, never been detained, never charged with
22 anything. I've appeared before Judge Carroll on a
23 regular basis as a plaintiff in a large lawsuit which is
24 really the reason that I'm here.

25 I would assume that what they're charging

1 me with is mailing copies of the legal filings in case
2 88611 of the 40th Judicial District Court to one of the
3 defendants who's in Montana.

4 Texas Rules of Civil Procedure, it's either
5 20 or 21, obligates me to do that and that's all I did
6 was mail the documents and so I think he has buddies in
7 the court system and law enforcement and goes and says,
8 let's arrest this guy or whatever.

9 The arrest warrant is invalid. The Montana
10 code that -- that proves that it's not allowed
11 extradition is 46-30-401, Drake v. Spriggs,
12 13-03-429-CV, Texas Appellate District 13, December
13 14th, 2006. I believe it's footnote four. It has a
14 virtually identical case involving Aransas County and
15 Colorado. The person who is detained was denied the
16 ability to obtain a Texas bond, and the Appellate Court
17 ruled that his rights were violated. He is supposed to
18 have those rights. We have the same situation here.

19 I need you to let me out. I need to go
20 home. I -- I have enjoyed it a little bit, but I'm
21 shaking really badly. I'm on medication. I'm not
22 supposed to be here.

23 THE COURT: Let me -- let me ask you
24 something. When -- when -- you tried to get the bond
25 out of Montana or out of Texas?

1 THE DEFENDANT: Both, Your Honor.

2 THE COURT: Okay. Would Montana not accept
3 either bond?

4 THE DEFENDANT: No, they wouldn't.

5 THE COURT: What was their reason?

6 THE DEFENDANT: They gave no reason. The
7 -- the -- the corporal in the booking area said -- well,
8 actually, no. It was the Montana bondsman, who
9 regularly bonds people out before this judge and court,
10 said that they just want to stick it to me, they want to
11 force me to come up there and force me to jump through a
12 bunch hoops and set all kinds of restrictions. There is
13 no basis for them to have gotten me arrested here. It
14 is against the law, and you're the only hope I have.

15 THE COURT: Well, and my hope right now is
16 to get you here with that governor's warrant so you can
17 have your hearing and do all that. The prosecutor is
18 not prepared today to argue anything because I just told
19 her, I said, I would like to bring Mr. Windsor up here
20 to see what's going on. Because I saw that -- Donna
21 sent me an e-mail that you sent her. When I saw that I
22 thought well, let me bring him up here and see what's
23 going on with that. Okay?

24 At the hearing that's what the State has to
25 prove: Are you one in the same, is it -- are -- cross

1 your T's and dot your I's on what they have to prove,
2 just those things, to see if you're the same and Montana
3 wants you and their reasons.

4 THE DEFENDANT: You have -- I have
5 different rights based on what says the governor's
6 warrant as opposed to what there is today. I have --
7 there is some significant differences. That's why I
8 need something to be done now. I would say to the
9 prosecutor, if you will --

10 MR. LOCKHART: There's nothing I can do.

11 THE DEFENDANT: But if you will look at the
12 citations that I've provided under Article 51 and if you
13 look at the Montana statute, I believe that you, as an
14 honest, wonderful, delightful lady who is an officer of
15 the court, will see it's illegal. I wrote the District
16 Attorney. I haven't heard back.

17 MS. LOCKHART: Did you put the cites in
18 here that I just got today?

19 THE DEFENDANT: I did, yes, ma'am. Please
20 take a look. I don't want to be here for another month.
21 I wouldn't be sitting here arguing --

22 THE COURT: Where do you live? I mean
23 where do you normally live?

24 THE DEFENDANT: I -- I'm living in Dallas.

25 THE COURT: Oh, okay.

1 THE DEFENDANT: I was taken out of Judge
2 Carroll's -- leaving Judge Carroll's courtroom after a
3 hearing in which I'm a plaintiff.

4 THE COURT: I didn't even know if you were
5 a Texas resident. I just did not know.

6 THE DEFENDANT: I am a documentary
7 filmmaker, Your Honor, doing a movie called Lawless
8 America. It's about government, judicial and law
9 enforcement corruption.

10 THE COURT: Okay.

11 THE DEFENDANT: If you don't think I have a
12 target the size of at least New Mexico on my back --
13 there are a lot of people --

14 THE COURT: Maybe Montana now, right?

15 THE DEFENDANT: Yeah, it's a big state.

16 MS. LOCKHART: Well, I mean our file has
17 the arrest warrant for the charges --

18 THE COURT: We did give Mr. Windsor a copy
19 of the arrest warrant and --

20 MS. LOCKHART: -- and the -- the
21 information. I mean he was charged with this. It's
22 actually a case pending in a court in --

23 THE COURT: I don't know if he got -- I
24 don't if he got a copy -- I can't remem -- you got the
25 arrest warrant and --

1 THE DEFENDANT: I got a --

2 THE COURT: -- bench warrant and probable
3 cause --

4 THE DEFENDANT: The arrest warrant which
5 was done here.

6 MS. LOCKHART: Yeah, and the bench warrant
7 has a charging instrument. I mean there's actually a
8 pending case in a district court, and they sent the
9 bench warrant.

10 THE COURT: Okay. Okay.

11 MS. LOCKHART: So there's an arrest
12 warrant, a bench warrant and then -- I mean getting the
13 governor's warrant takes time, and we checked with them
14 on the 21st and they have -- they were already working
15 on getting it so.

16 THE COURT: Okay.

17 MS. LOCKHART: I mean the law is being
18 complied with at this point so. It's just --
19 unfortunately, it's a timely process.

20 THE COURT: Right. Right.

21 THE DEFENDANT: It isn't being complied
22 with, and I will appeal this.

23 THE COURT: I know.

24 MS. LOCKHART: But, I mean, there's nothing
25 to appeal because you don't have jurisdiction to make

1 any rulings on this writ.

2 THE COURT: Right. I don't have any
3 jurisdiction on this writ unfortunately. The only thing
4 I have right now is the extradition, and now we have to
5 wait that timeframe to get there. And at the hearing,
6 Mr. Windsor, if things aren't done right and the State
7 sees that it's not done right -- I mean the State's
8 going off on what really -- our prosecutors are going on
9 what Montana sent on what the governor's warrant is
10 going to look like.

11 THE DEFENDANT: The Texas Code of Criminal
12 Procedure gives specific requirements as to what Texas
13 has to do when somebody is attempting to extradite to
14 another state. Texas hasn't -- has not done that. And
15 -- and I -- it's tough to sit here and be told that
16 there's no one with jurisdiction when you're being
17 detained except in the other state. It's just -- I'll
18 file a petition for Writ of Mandamus.

19 THE COURT: Not on your writ.

20 THE DEFENDANT: Excuse me?

21 THE COURT: Not on your Writ of Habeas
22 Corpus. That we don't. The -- now that you're in here
23 on the extradition, yes. So my next step could be if
24 that governor's warrant's not here on that date -- and
25 like I told you before, if we get it sooner, I'll bring

1 you in here. Same thing I told you, if you decide you
2 need a court appointed attorney. Have you talked -- I
3 mean are you able to communicate with anyone?

4 THE DEFENDANT: I've communicated with an
5 attorney.

6 THE COURT: Okay. I just want to make sure
7 that you --

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. I want -- I didn't want
10 you to be sitting over there and not getting the help.
11 Okay. So that's really all I can do right now. I just
12 wanted to let you know when you sent the e-mail, I
13 thought, well, he's got it, I'll look at it. But I just
14 can't do anything about this one writ right now. If
15 they get the governor's warrant in earlier, I'll bring
16 you up as soon as I can. Okay?

17 THE DEFENDANT: Okay. I will attempt to
18 file a Petition of Writ of Mandamus to the Appellate
19 Court to have them compel you to --

20 THE COURT: Okay.

21 THE DEFENDANT: -- hear it. I have -- I
22 don't know what else to do.

23 THE COURT: I understand. That's perfectly
24 fine. I understand.

25 THE DEFENDANT: I think you're wonderful.

1 THE COURT: Thank you.

2 THE DEFENDANT: I'm just trying to get out.

3 THE COURT: I know. I understand that.

4 You know what? I would love for you to be able to get

5 out. I -- I don't understand the bond. I don't

6 understand why they won't accept the mon -- I don't

7 understand that. Maybe they didn't want to accept the

8 Texas bond from -- I don't know. Do you have someone

9 over in Montana that can help you with that?

10 THE DEFENDANT: Not yet.

11 THE COURT: Okay.

12 THE COURT: But something may be working --

13 THE DEFENDANT: An excellent attorney will
14 take it in three weeks after a murder trial.

15 THE COURT: Is that murder trial for sure
16 going?

17 THE DEFENDANT: That's what he says.

18 THE COURT: Okay.

19 THE DEFENDANT: Thank you.

20 THE COURT: You're welcome. You're
21 welcome. You're very welcome.

22 THE DEFENDANT: Happy Thanksgiving.

23 THE COURT: Happy Thanksgiving to you.

24 Are they getting turkey on Thanksgiving?

25 THE BAILIFF: Yes, ma'am.

1 THE COURT: There you go. Thank you,
2 Mr. Windsor.

3 THE DEFENDANT: Thank you, Your Honor.
4 (End of proceedings)

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