

WILLIAM M. WINDSOR
MISSOULA COUNTY DETENTION CENTER
2340 MILLER ROAD
MISSOULA, MT 59808
WINDSOR@MONTANA.YAHOO.COM

FILED MAY 05 2015

SHIRLEY E. FAUST, CLERK
By Dale Lehling
Deputy

FILED MAY 05 2015

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

STATE OF MONTANA
PLAINTIFF
VS

DEPT. NO. 3 DC-14-589
CASE NO. DV-75-294

William Michael Windsor,
DEFENDANT

MOTION FOR RIGHTS OF
SPEEDY TRIAL

COMES NOW WILLIAM M. WINDSOR, DEFENDANT,
AND FILES THIS "MOTION FOR ^{RIGHTS OF} SPEEDY TRIAL,"
AND SHOWS THE COURT AS FOLLOWS:

Denied, no citation to any

INTRODUCTION controlling authority

[Signature]
5/6/2015

1. WILLIAM M. WINDSOR SEEKS HIS RIGHT TO
SPEEDY TRIAL. HIS FIRST ALLEGED
OFFENSE TOOK PLACE 492 DAYS AGO.
HE WAS NOT EVEN MADE AWARE OF
THE CHARGE DURING 58 DAYS OF
INCARCERATION IN WELLS COUNTY TEXAS.
IT WAS APPROXIMATELY 365 DAYS
AFTER THE ALLEGED VIOLATION TOOK
PLACE THAT HE LEARNED OF HIS
OWN INITIATIVE WHAT THE CHARGE

-1-

43

WAS AS OF APRIL 4, 2015, WILLIAM M. WINDSOR HAS BEEN INCARCERATED FOR 129 DAYS AND DENIED BOND.

THE OMBUS MEMORANDUM WAS SIGNED OVER TWO WEEKS AGO, AND WILLIAM M. WINDSOR HAS BEGUN PREPARING HIS PRETRIAL MOTIONS AND IS READY TO REQUEST DISCOVERY SUBPOENAS FROM THE COURT. THE EVIDENCE IN THIS CASE IS PRIMARILY IN FORM OF INTERVIEW RECORDS AND ANY DELAYS IN THE TRIAL WILL COMPROMISE WILLIAM M. WINDSOR'S CONSTITUTIONAL RIGHTS AS INTERVIEW RECORDS MAY BE PURGED. WILLIAM M. WINDSOR IS INNOCENT AND DESERVES A SPEEDY TRIAL.

FACTUAL BACKGROUND

2. WILLIAM M. WINDSOR IS ACCUSED OF VIOLATION OF A PROTECTIVE ORDER ON DECEMBER 30, 2013, BUT HE NEVER LEARNED OF THIS CHARGE UNTIL OVER A YEAR LATER.

3. WILLIAM M. WINDSOR IS ALSO ACCUSED

OF VIOLATIONS OF A PROTECTIVE ORDER
ON FEBRUARY 6, 2014; MAY 4, 2014;
JULY 4, 2014; AND OCTOBER 3, 2014.

4. ALL FIVE ALLEGED VIOLATIONS WERE
KEPT SECRET FROM WILLIAM WINDSOR
DESPITE THE FACT THAT THE ACCUSER
AND PROSECUTING ATTORNEYS KNEW
EXACTLY WHERE WILLIAM WINDSOR
WAS AND HAD TO REACH HIM.

5. A BENCH WARRANT WAS ISSUED FOR
WILLIAM W. WINDSOR ON OCTOBER 3,
2014.

6. WILLIAM W. WINDSOR WAS PICKED
UP BY ELLIS COUNTY TEXAS SHERIFF'S
DEPUTIES ON OCTOBER 28, 2014.
WILLIAM W. WINDSOR DEMANDED TO
KNOW THE ALLEGED OFFENSES, BUT
THE ALLEGATIONS WERE NEVER
DISCLOSED.

7. WILLIAM W. WINDSOR WAS HELD
IN THE ELLIS COUNTY TEXAS JAIL
FOR 58 DAYS AND DENIED
BOND BECAUSE JUDGE JOHN W.

LARSON REFUSED TO ACCEPT A TEXAS BOND OR A MISSOURI BOND, AND ELI'S COUNTY TEXAS KEPT WILLIAM M. WINDSOR UNLAWFULLY INCARCERATED.

8. WILLIAM M. WINDSOR LEFT DALLAS, TEXAS ON DECEMBER 29, 2014 EN ROUTE TO MISSOURI NOTICING TO SURRENDER. HE EMailed DEPUTY COUNTY ATTORNEY JENNIFER CLARK AND REQUESTED A COPY OF THE ALLEGED VIOLATIONS. SHE REFUSED TO PROVIDE THEM UNTIL HE REACHED MISSOURI.

9. ON FEBRUARY 19, 2015, WILLIAM M. WINDSOR WAS PICKED UP IN ADA COUNTY IDAHO. HE WAS UNLAWFULLY DENIED BOND AND SPENT 35 DAYS IN THE ADA COUNTY IDAHO JAIL.

10. WILLIAM M. WINDSOR WAS TRANSPORTED TO THE MISSOURI COUNTY DETENTION CENTER ON MARCH 25, 2015. APRIL 5 MARKS DAY 42 IN WHICH HE HAS BEEN DENIED RELEASE DUE TO A TEXAS BOND REQUIREMENT OF

\$1 million. In total, William M. Windsor has been incarcerated and denied release on bond for 129 days.

11. William M. Windsor was finally presented with five charges on March 7, 2015.

12. It has now been 492 days since the first alleged offense took place.

2015,
13. On April 21, William M. Windsor and Jennifer Clark signed the omnibus memorandum. Judge James A. Haynes signed it on April 27, 2015.

14. On May 4, 2015, William M. Windsor still has not received discovery from the prosecutors.

Argument

A. William M. Windsor had a right to a speedy trial, and that right has been violated.

15. THE PROSECUTIONS DELAYED 276 DAYS BEFORE CHARGING WILLIAM M. WINDSON WITH VIOLATION OF A PROTECTIVE ORDER.

16. THE PROSECUTIONS DID NOT DISCLOSE THE ALLEGED OFFENSE FOR 452 DAYS. THE ACCUSED AND THE COURT KNEW EXACTLY WHERE WILLIAM M. WINDSON COULD BE LOCATED. HE HAS SUE^D HIS ACCUSER IN TWO CIVIL ACTIONS, AND HE HAS ~~MINUTED~~ ^{MINUTED} A

17. THE PROSECUTIONS THEN DELAYED 238 DAYS ^{BEFORE CHARGING} THE SECOND ALLEGED OFFENSE; 182 DAYS BEFORE CHARGING THE THIRD OFFENSE; 131 DAYS BEFORE CHARGING THE FOURTH OFFENSE; AND 1 DAY BEFORE CHARGING THE FIFTH OFFENSE (CHRONOLOGICALLY). IT IS NOW 492 DAYS SINCE THE EARLIEST ALLEGED OFFENSE TOOK PLACE.

18. WILLIAM M. WINDSON HAS BEEN DENIED A SPEEDY TRIAL. INTERMITTENT RECORDS REFERRED TO EVIDENCE TO PROVE WILLIAM M. WINDSON'S INNOCENCE ^{FOR THE EARLIEST OFFENSE} APPARENTLY NO LONGER EXIST. AT&T

CURRENT CHARGE: OBSTRUCTION OF JUSTICE AND THIS ATTORNEY IS WITH THE THIRTEENTH DISTRICT COURT.

CANCELLED WILLIAM M. WINDSOR'S EMAIL ACCOUNT, SO EVIDENCE REGARDING THE SECOND CHRONOLOGICAL OFFENSE LIKELY NO LONGER EXISTS- THE LOSS OF HIS EMAIL ACCOUNT ALSO LIKELY MEANS EVIDENCE NO LONGER EXISTS AS TO THE THIRD AND FOURTH CHARGES.

19. ALL BUT THE FIFTH CHARGE SHOULD BE DISMISSED DUE TO VIOLATION OF WILLIAM M. WINDSOR'S RIGHT TO A SPEEDY TRIAL. THIS IS ONE OF THE MOST FUNDAMENTAL RIGHTS IN A CRIMINAL MATTER.

B. WILLIAM M. WINDSOR'S RIGHT TO A SPEEDY TRIAL MUST NOT CONTINUE TO BE VIOLATED THROUGH DELAYING TACTICS BY THE PROSECUTION

20. THE PROSECUTION INTENTIONALLY DELAYED FILING ALL CHARGES FOR 276 DAYS. THEN THE PROSECUTION INTENTIONALLY DELAYED NOTIFYING WILLIAM M. WINDSOR OF THE DETAILS

FOR ANOTHER 174 DAYS. THE PROSECUTION HAS DELAYED MATTERS FURTHER BY IGNORING COMMUNICATION FROM WILLIAM M. WINDSOR, NOT SERVING HIM WITH DISCOVERY, AND BEING UNWILLING FOR COURT-ORDERED CONFERENCES PRIOR TO WILLIAM M. WINDSOR'S HEARINGS.

21. WILLIAM M. WINDSOR SENSES THAT MORE DELAYING TACTICS ARE FOOTDRAINING.

22. WILLIAM M. WINDSOR IS ENTITLED TO A SPEEDY TRIAL, AND HE NEEDS THIS COURT TO ENSURE THAT HE GETS IT.

WHEREFORE, WILLIAM M. WINDSOR PRAYS THAT THIS COURT ISSUE AN ORDER THAT:

a. CHARGES I, II, III, AND IV ARE DISMISSED AS WILLIAM M. WINDSOR HAS BEEN DENIED A SPEEDY TRIAL;

b. CHARGE V IS REDUCED TO A MISDEMEANOR;

c. THE PARTIES SHALL ADHERE TO THE SCHEDULING DATES IN THE AMBITUS MEMORANDUM;

d. NO PARTY SHALL TAKE ANY ACTION THAT WILL DENY A SPEEDY TRIAL; AND

e. THIS COURT SHALL GRANT SUCH FURTHER RELIEF AS IT FINDS APPROPRIATE.

THIS 4TH DAY OF MAY, 2015,

William M. Windsor
WILLIAM M. WINDSOR

AFFIRMATION

I AM INCARCERATED AND DO NOT HAVE ACCESS TO A NOTARY. I SWEAR UNDER PENALTY OF PERJURY THAT THE STATEMENTS OF FACT HEREIN ARE TRUE AND CORRECT BASED UPON MY PERSONAL KNOWLEDGE.

THIS 4TH DAY OF
MAY 2015,

William M. Windsor
WILLIAM M. WINDSOR

CERTIFICATE OF CONFERENCE

I ATTEMPTED TO REACH BOTH
JENNIFER CLARK AND CHRISTOPHER
DREY BY TELEPHONE, AND MY
CALLS WERE BLOCKED.

THIS 4TH DAY OF MAY 2015,

~~William W. Windsor~~
William W. Windsor

CERTIFICATE OF SERVICE

I HAVE SENT THIS TO THE CLERK
OF THE COURT WITH A REQUEST
TO PURCHASE TWO COPIES SO I
MAY SERVE JENNIFER CLARK.
I CANNOT AFFORD TO SPEND 6 HOURS
COMING THIS BY HAND, AND MY
RIGHT HAND IS CRAMPING SO I AM
WRITING FOR MOST OF THE LAST
THREE DAYS.

THIS 4TH DAY OF MAY 2015,

~~William W. Windsor~~
William W. Windsor