

William M. Windsor  
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Defendant, Pro Se

FILED MAY 13 2015

SHIRLEY E. FAUST, CLERK  
By \_\_\_\_\_  
Deputy

**MONTANA FOURTH JUDICIAL DISTRICT COURT  
MISSOULA COUNTY**

State of Montana,	§	Dept. No. 3
Plaintiff,	§	Cause No. DC-14-509
v.	§	<b>SECOND MOTION</b>
William Michael Windsor,	§	<b>TO DISQUALIFY</b>
Defendant.	§	<b>JUDGE JAMES A. HAYNES</b>

COMES NOW William M. Windsor, Defendant, who files this “Second Motion to Disqualify Judge James A. Haynes,” and shows the Court as follows:

**INTRODUCTION**

1. Judge James A. Haynes will be a witness in this case. He has a well-established bias against William M. Windsor, and he has expressed a distinct bias against pro se defendants.
2. Judge James A. Haynes has knowledge of facts in dispute.
3. William M. Windsor sent a motion to recuse Judge James A. Haynes to the Clerk of the Court for filing after the bias of Judge James A. Haynes was so overtly displayed at the hearing of April 8, 2015. That filing mysteriously disappeared, so William M. Windsor files this Second Motion to Disqualify Judge James A. Haynes. This Motion to Disqualify is based upon MCA 3-1-805, MCA 3-1-803, and the Montana Code of Judicial Conduct and the United States Constitution.

## **FACTUAL BACKGROUND**

4. The Factual Background is provided in the Affidavit of William M. Windsor dated August 12, 2013, referenced and incorporated herein.

## **ARGUMENT**

### **A. JUDGE JAMES A HAYNES MUST BE DISQUALIFIED FOR CAUSE, PURSUANT TO MCA 3-1-805.**

5. Exhibit A hereto is a true and correct copy of the Affidavit of William M. Windsor dated May 12, 2015 (“Affidavit”) that provides the facts that support disqualification.

6. Exhibit B hereto is a true and correct copy of the Certificate of Counsel of Record that the Affidavit has been made in good faith.

7. The trial is set for June 22, 2015, so this Motion and Affidavit are filed more than 30 days prior to the trial.

8. Judge James A. Haynes is hereby divested of further power to preside over this case pending resolution of the disqualification issue.

9. MCA 3-1-805 provides the statute for disqualification of a judge for cause:

This section is limited in its application to judges presiding in district courts, justice of the peace courts, municipal courts, small claims courts, and city courts.

1. Whenever a party to any proceeding in any court shall file an affidavit alleging facts showing personal bias or prejudice of the presiding judge, such judge shall proceed no further in the cause. If the affidavit is filed against a district judge, the matter shall be referred to the Montana Supreme Court. If the affidavit is in compliance with subsections (a), (b), and (c) below, the Chief Justice shall assign a district judge to hear the matter. If the affidavit is filed against a judge of a municipal court, justice court, or city court, any district judge presiding in the district of the court involved may appoint either a justice of the peace, a municipal judge or a city court judge, to hear any such proceeding.

(a) The affidavit for disqualification must be filed more than thirty (30) days before the date set for hearing or trial.

(b) The affidavit shall be accompanied by a certificate of counsel of record that the affidavit has been made in good faith. An affidavit will be deemed not to have been made in good faith if it is based solely on rulings in the case which can be addressed in an appeal from the final judgment.

(c) Any affidavit which is not in proper form and which does not allege facts showing personal bias or prejudice may be set aside as void.

(d) The judge appointed to preside at a disqualification proceeding may assess attorneys fees, costs and damages against any party or his attorney who files such disqualification without reasonable cause and thereby hinders, delays or takes unconscionable advantage of any other party, or the court.

10. The Affidavit shows personal bias and prejudice.

11. Judge James A. Haynes is biased against William M. Windsor as a person attempting to expose judicial corruption in general and him in particular.

12. Judge James A. Haynes is biased against William M. Windsor as a pro se defendant in a criminal case.

13. Judge James A. Haynes is prejudiced for Justice of the Peace Jim Bailey, the Ravalli County Sheriff's Department, Judge Robin Clute, Judge Kathleen Jenks, Judge John W. Larson, the Missoula Police Department, the Missoula County Attorney's Office, and himself. Each of these people will be featured in William M. Windsor's documentary film, Lawless America.

14. William M. Windsor sent a motion to recuse Judge James A. Haynes to the Clerk of the Court for filing after the bias of Judge James A. Haynes was so overtly displayed at the hearing of April 8, 2015. That filing mysteriously disappeared, and at the hearing on this Motion, William M. Windsor will use the transcript of the April 29, 2015 hearing to show that Judge James A. Haynes was aware of the motion for recusal that "mysteriously disappeared."

15. William M. Windsor submits that Judge James A. Haynes has a personal bias against Crystal Cox and Michael Spreadbury, two Montana people to be featured by William M. Windsor in the documentary film, Lawless America.

16. Judge James A. Haynes has claimed that he doesn't know Sean Boushie, but the record reflects that he handled attempts to get protective orders against Sean Boushie in 2009 by Crystal Cox and 2013 by William M. Windsor. Sean Boushie is a name that Judge James A. Haynes could not forget.

17. Judge James A. Haynes denied the petition of Crystal Cox in 2009 and William M. Windsor in 2013 by claiming that Sean Boushie would first have to be convicted before they could seek protective orders against him. William M. Windsor believes Judge James A. Haynes HAD to know this is absolutely false, and he believes an examination of protective orders cases handled by Judge James A. Haynes will show this. At the hearing on this matter, William M. Windsor will also introduce the statutes and the Judge's Benchbook as evidence of what Judge James A. Haynes knew.

18. The denials by Judge James A. Haynes show a prejudice for Sean Boushie who William M. Windsor says is protected by Judge James A. Haynes and other judges and authorities despite numerous crimes committed by Sean Boushie.

19. The record will show that both Crystal Cox and William M. Windsor complained about death threats by Sean Boushie, and the fact that he ignored these shows a prejudice for Sean Boushie.

20. Judge James A. Haynes has a record of protecting government agencies and officials from efforts to expose them by citizens. This shows a prejudice for his peers and against whistleblowers.

21. The extensive evidence before Judge James A. Haynes in August 2013 of the almost unbelievable cyberstalking by Sean Boushie demonstrates that

Judge James A. Haynes disregard of this sworn evidence showed his prejudice for Sean Boushie and his bias against William M. Windsor.

22. Judge James A. Haynes has stated in one of his orders that William M. Windsor's sworn claims were "specious" because William M. Windsor drove all across the country to Montana. Judge James A. Haynes claimed he doubted William M. Windsor's honesty under a sworn under penalty of perjury oath because of this travel. He failed to note that William M. Windsor was filming a movie and a TV show in Missoula and Great Falls; that he was registered and approved for filming by the Montana Film Commission, the City of Missoula, and the University of Montana; that he had two depositions scheduled in August 2013 in Missoula; and that the State of Georgia refused to take William M. Windsor's petition for a temporary order of protection because he had to file where the cyberstalking was committed, and that meant filing in Montana, which William M. Windsor did right after he took complaints to the Ravalli County Sheriff's Department, the Missoula Police Department, and the University of Montana Police Department.

23. Judge James A. Haynes demonstrated his bias against William M. Windsor by claiming a photocopy of smoke looked like a Rorschach blotch when what mattered was the email from Sean Boushie admitting he shot at William M. Windsor and missed. Judge James A. Haynes ignored the critical fact to ridicule the limits of photocopying.

24. Judge James A. Haynes demonstrated his bias against William M. Windsor on March 4, 2015 by denying his Motion to Quash Bench Warrant in this case. This Motion has overwhelming proof that the criminal charges against William M. Windsor had to be denied for a host of reasons. Judge James A. Haynes ignored the issues, reinforcing his bias by claiming the argument was that

the Temporary Order of Protection was void and had expired. The Motion to Quash Bench Warrant actually said:

“The Bench Warrant must be quashed for a number of reasons:

- a. There is no valid order of protection, and the Temporary Order of Protection “TOP” that did exist was improper, had expired, and did not prohibit the actions that William M. Windsor has been charged with.
- b. William M. Windsor’s Constitutional rights have been grossly violated.
- c. Judge Karen Townsend violated the law on bench warrants, and William M. Windsor was detained improperly as a result.
- d. The Montana and Texas extradition laws were violated due to Judge Karen Townsend’s Bench Warrant, and William M. Windsor suffered as a result.
- e. Alleged Crime #1 is not a crime, and there was no violation of a protective order -- Publishing a legal document that contained the name of Sean Boushie, a defendant in civil action #88611 filed on December 26, 2013 in Ellis County Texas.
- f. Alleged Crime #2 is not a crime, and there was no violation of a protective order -- Publishing a legal document online that contained the name of a defendant in a lawsuit.
- g. Alleged Crime #4 is not a crime, and there was no violation of a protective order -- Using Twitter to send a Tweet.
- h. Alleged Crime #5 is not a crime, and there was no violation of a protective order -- Sending an email to an attorney.
- i. Alleged Crime #3 is not a crime, and there was no violation of a protective order -- Not giving control of Bill Windsor’s TV show website to Sean Boushie.
- j. William M., Windsor is the victim of fraud upon the court and corruption.”

25. Judge James A. Haynes demonstrated his bias against William M. Windsor by ignoring 9½ of the 10 arguments.

26. Judge James A. Haynes demonstrated his significant bias against William M. Windsor in hearings of April 8, 2015 and April 29, 2015. William M. Windsor was called a whining child by Judge James A. Haynes at the April 8, 2015

hearing. William M. Windsor did nothing to warrant such a brow-beating. Upon information and belief, Judge James A. Haynes doesn't like the absolute fact that William M. Windsor is not afraid of him or any of the other corrupt judges in America. He can and will call a Spade a Spade.

27. Judge James A. Haynes demonstrated his bias against William M. Windsor by failing to give him notice of hearings.

28. Judge James A. Haynes demonstrated his bias against William M. Windsor by denying him the opportunity to present arguments at hearings. He has barely been allowed to speak.

29. Many of the violations of William M. Windsor's rights and the result of the bias of Judge James A. Haynes are explained in William M. Windsor's "Motion for Legal and Constitutional Rights, Due Process, and Equal Protection.

30. Judge James A. Haynes' denial of William M. Windsor's Motion for Constitutional Rights and his Petition for Writ of Habeas Corpus further demonstrate the bias of Judge James A. Haynes. The State presented no arguments to justify denial of those motions.

31. Judge James A. Haynes demonstrated his bias against William M. Windsor by denying his Constitutionally-protected rights to due process.

32. Judge James A. Haynes denied William M. Windsor's Petition for Writ of Habeas Corpus on false grounds, and he falsely accused him of concealing information from the Court. The information was actually concealed from the Court and William M. Windsor by the State.

33. Judge James A. Haynes has violated the Code of Judicial Conduct by treating William M. Windsor in a biased manner and demeaning him in the courtroom.

34. Judge James A. Haynes instructed William M. Windsor to read and follow the Uniform District Court Rules and the Local Rules. When he did and

followed the rules precisely, Judge James A. Haynes said the rules didn't matter when the State failed to follow them.

35. On the Petition for Writ of Habeas Corpus, Judge James A. Haynes said violations of state law by the State didn't matter. Yet William M. Windsor found that he and his fellow inmates in the Missoula County Detention Center are held to the letter of the law. And in William M. Windsor's case, he has been in jail for over four months on totally bogus charges.

36. William M. Windsor's Motion for Constitutional Rights was unfairly denied. He was given no opportunity whatsoever to address the Motion. As a result, William M. Windsor's rights have been dramatically affected. He was allowed only two No. 2 pencils a week and 100 sheets of paper, if he could afford them.

37. The Clerk of the Court has grossly violated William M. Windsor's rights by refusing to send him copies of his filings. Each filing has been sent with a cover letter and payment information. He never received a response until April 29, 2015 when Judge James A. Haynes answered one of the letters to the Clerk by tearing it up in open court. It was a simple, polite letter requesting copies of public documents filed by William M. Windsor.

38. William M. Windsor has been kept shackled at his ankles with both hands handcuffed together at his navel.

39. William has been expected to hand print all of his filings, despite disabilities that make this extremely difficult and very time-consuming for him. As if that was not bad enough, Judge James A. Haynes tore up William M. Windsor's letter requesting photocopies from the Clerk of the Court. This means William M. Windsor had to spend 24 excruciating hours hand-printing the original and three copies of each 20-page motion. This is cruel and clearly denies William



M. Windsor the right to photocopies enjoyed by the State, other defendants, and the general public.

40. Judge James A. Haynes denied consideration of William M. Windsor's request for his estimate of a 21-day trial. He said the trial will be 3 days and gave no consideration to why the trial will take longer if William M. Windsor is allowed to present his planned defense.

41. Judge James A. Haynes was handpicked to handle this case because of his bias against William M. Windsor. This can be seen in the Order of Assignment DC-14-509 Docket #15.

42. As he threatened to do at the April 29, 2015 hearing, it appears that Judge James A. Haynes is simply denying William M. Windsor's motions without procedural due process. The State is not required to respond, and William M. Windsor is denied a hearing. This demonstrates his prejudice for the State and his bias against William M. Windsor.

43. The prejudice and bias of Judge James A. Haynes come from events both from the cases that he has had with William M. Windsor and other cases that he has handled involving Sean Boushie and people associated with William M. Windsor

**B. JUDGE JAMES A HAYNES SHOULD BE DISQUALIFIED PURSUANT TO MCA 3-1-803**

44. MCA 3-1-803 provides:

This section shall, in its application, apply to all courts listed in section 3-1-101 except a court of impeachment in the state senate. Any justice, judge, justice of the peace, municipal court judge or city court judge must not sit or act in any action or proceeding: 1. To which he is a party, or in which he is interested.

45. William M. Windsor has no way to get a fair trial, as Judge James A. Haynes is ruling against him and will continue to rule against him to protect himself.

46. Judge James A. Haynes is a fact witness in the case. He has knowledge of facts in dispute. He has a personal interest in seeing William M. Windsor silenced.

47. William M. Windsor will be arguing in this case that he would not be standing trial if Judge James A. Haynes had not lied in his order denying William M. Windsor a temporary order of protection Sean Boushie.

48. William M. Windsor will be arguing in this case that he is the victim of corruption and that Judge James A. Haynes is one of the key participants. William M. Windsor will show that Judge James A. Haynes was handpicked by Judge John W. Larson to preside over this case after Judge John W. Larson was disqualified.

49. Judge James A. Haynes must also be disqualified pursuant to MCA 3-1-803.

**C. JUDGE JAMES A HAYNES MUST BE DISQUALIFIED DUE TO BIAS AS REQUIRED BY THE MONTANA CODE OF JUDICIAL CONDUCT, INCLUDING RULE 2.15, AND THE UNITED STATES CONSTITUTION.**

50. William M. Windsor further argues that Judge James A. Haynes must be disqualified due to bias as is required by the Montana Code of Judicial Conduct and the United States Constitution.

51. William M. Windsor met Crystal Cox from reporting on her protective order denial by Judge James A. Haynes. She feared for her life at the hands of Sean Boushie. The same things were then done to William M. Windsor

by many of the same people involved with Crystal Cox. Sean Boushie pulled the same kind of stalking and harassment.

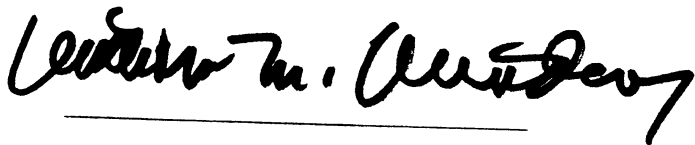
52. Judge James A. Haynes is conflicted and has extreme and dangerous prejudice and bias in this case, and William M. Windsor's life may again be in danger as a result.

53. It is impossible for Judge James A. Haynes to be impartial in this case. He is undoubtedly mad about William M. Windsor's exposure of him as a corrupt judge. William M. Windsor has [www.JudgeJamesAHaynes.com](http://www.JudgeJamesAHaynes.com) to expose him, and Judge James A. Haynes will be featured in the documentary film, *Lawless America*. Judge James A. Haynes must be disqualified.

54. The right to be tried by an impartial judge is deeply embedded in American jurisprudence; in fact, this right has often been considered to be the "cornerstone" of the American legal system. But this is largely a myth. William M. Windsor is not receiving fair, unbiased treatment and cannot receive a fair trial in this case with Judge James A. Haynes.

WHEREFORE, William M. Windsor prays that Judge James A. Haynes be disqualified in this case and that he do as Judge James P. Reynolds did in *State v. Cunningham*, PR 06-0120 (Mont. 01/28/2014); William M. Windsor further prays that a hearing be set on this matter so testimony and exhibits may be presented; and for such other relief as the Court feels is appropriate.

This 12th day of May 2015,



William M. Windsor

**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.

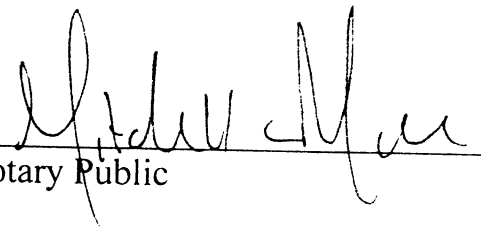
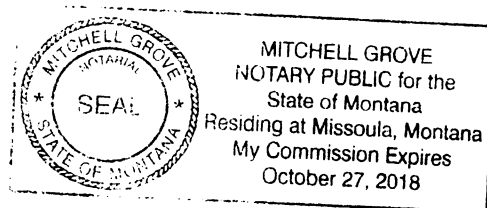
I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 12th day of May 2015.



William M. Windsor

Sworn and subscribed before me this 12th day of May 2015.

  
Notary Public

**CERTIFICATE OF CONFERENCE**

I hereby certify that I was unable to reach Jennifer Clark or Christopher Daly.

This 4th day of May 2015,

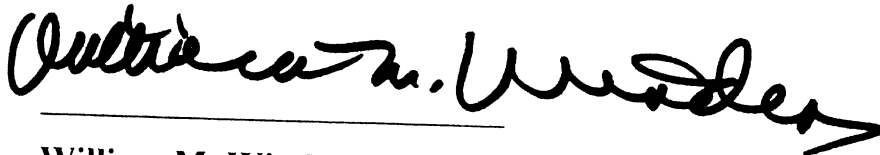


**William M. Windsor**

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing Motion by United States Postal Service to Jennifer Clark, Deputy County Attorney, Missoula County Courthouse, 200 West Broadway Street, Missoula, Montana 59802, and I sent a copy to Christopher Daly.

This 12th day of May 2015,



**William M. Windsor**