

Exhibit

A

William M. Windsor
PO Box 16181
Missoula, Montana 59808
Telephone: 770-578-1094
windsorinmontana@yahoo.com
Defendant, Pro Se

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

State of Montana,	§	Dept. No. 3
Plaintiff,	§	Cause No. DC-14-509
v.	§	
William Michael Windsor,	§	AFFIDAVIT OF
Defendant.	§	WILLIAM M. WINDSOR
	§	DATED MAY 12, 2013

I, William M. Windsor, the undersigned, hereby declare under penalty of perjury:

1. I am over the age of 21, am competent to testify, and have personal knowledge of the matters stated herein. I provide this affidavit to be used in this matter and in any other legal proceeding. I refer to myself as William M. Windsor below.

2. On August 21, 2009, Crystal Cox filed a Petition for a Temporary Order of Protection in the 21st Judicial District Court, Department #2, in Ravalli County Montana. The case was assigned to Judge James A. Haynes.

3. On August 21, 2009, Judge James A. Haynes denied Crystal Cox's Petition for a Protective Order against Sean Boushie. Crystal Cox swore that Sean Boushie had threatened to kill her, had stalked her, had harassed her, and had incited hate among others against her, including Montana Law Enforcement. He later did the same thing with William M. Windsor.

4. Crystal Cox has told William M. Windsor that Judge James A. Haynes knew that Sean Boushie was dangerous. She says Judge James A. Haynes ignored Crystal Cox's rights.

5. The Denial by Judge James A. Haynes stated: "The TOP is denied, failed to qualify." Judge James A. Haynes then stated that Montana Code, MCA 40-15-301 says: "A Court may issue a TOP upon receipt of a Sworn Petition, that petitioner is in apprehension of bodily injury from the petitioner's partner or family member. Or 2, petitioner is a victim of 40-15-102 committed by a partner or family member or 40-15-102, petitioner is a victim of a criminal offense listed in 2(b). Assault, Stalking, Aggravated Assault, Sexual Assault."

6. Crystal Cox never alleged that Sean Boushie was a family member, partner, or former partner. She claimed that she brought evidence to clearly show Judge James A. Haynes that Sean Boushie had threatened to kill her and was stalking her. The Denial by Judge James A. Haynes referred Crystal Cox to the county attorney's office for criminal consideration. So, Judge James A. Haynes indicated that Sean Boushie would have to be convicted of a crime before Crystal Cox could qualify for a protective order. He later did the same thing with William M. Windsor.

7. Crystal Cox filed a criminal complaint with the police that day in Hamilton Montana, but she believes nothing was ever done. William M. Windsor had the same experience.

8. Crystal Cox blogged her story, which is where William M. Windsor found her online. William M. Windsor contacted Crystal Cox, reported on her story, and then became a target by the same Judges and law enforcement in the State of Montana who targeted Crystal Cox for blogging on what she alleged to be corrupt law enforcement and judges. William M. Windsor had the same experience.

9. On August 28, 2009, Officer Maury McKinney called Stephen Mocko of Eureka Montana, as Sean Boushie had filed a complaint with him and claimed that Stephen Mocko threatened him in an email. The email was sent to CrystalCoxisABitch@yahoo.com. This is undeniable proof that Sean Boushie had control of the email, yet he had told judges in Ravalli County, Lincoln County, the University of Montana, and the Missoula Police Department that he did not control the email but fabricated a story that Crystal Cox had emailed a death threat to herself and accused him. Sean Boushie used the same email with William M. Windsor four years later.

10. Judge Robin Clute in Hamilton Montana gave Sean Boushie a protective order against Crystal Cox. William M. Windsor had the same experience in Missoula.

11. In September 2009, Crystal Cox filed a civil action against Sean Boushie in Flathead County Montana. William M. Windsor also sued Sean Boushie.

12. In December 2009, Michael Spreadbury appeared before Judge James A. Haynes.

13. On July 9, 2010, movie producer Nick Holthous of Any Key Omnimedia emailed Crystal Cox to inform her that he “just got a forward email from Chris (Beneath the Beauty editor). It was from Sean Boushie. This is what he wrote: ‘Chris, I would like to know the filming dates for the interview segments involving Crystal Cox and her alleged ‘death threat’.’” (Exhibit ___ is a true and correct copy of the email that William M. Windsor received from Crystal Cox.) This was precisely the way Sean Boushie initially approached William M. Windsor in early 2012 after he published the name of Crystal Cox in a list of people to be filmed for William M. Windsor’s documentary, Lawless America.

14. In 2010, Michael Spreadbury appeared before Judge John W. Larson. Michael Spreadbury considers himself a public watchdog dedicated to exposing criminal conspiracy in the Bitterroot Valley. William M. Windsor is also a whistleblower.

15. In August 2010, Judge John Larson granted a motion to dismiss Michael Spreadbury's pain and suffering suit against Hamilton City Attorney Kenneth Bell.

16. By December 2011, Crystal Cox was a public figure. She has been reported on by Fox News, the New York Times, Forbes, and thousands of bloggers around the world. She won a landmark case in First Amendment rights for bloggers. Her case is taught in colleges and is written about in books and online.

17. In June 2012, Michael Spreadbury appeared before Judge James A. Haynes. Michael Spreadbury has had issues with Sean Boushie.

18. In 2012, Michael Spreadbury went in front of Judge James A. Haynes and argued for release of public documents. Judge James A. Haynes protected county employees as they conducted public business. William M. Windsor has had the same experience in Montana.

19. In August 2012, William M. Windsor filmed Crystal Cox in Spokane Washington.

20. In August 2013, William M. Windsor scheduled a time to film Michael Spreadbury in Missoula Montana.

21. From February 2012 through August 23, 2013, Sean Boushie of Stevensville Montana cyberstalked, harassed, and threatened William M. Windsor and the family he used to have. The crimes and stalking of Sean Boushie are provided in the Affidavit and exhibits to William M. Windsor's Motion to Quash Bench Warrant filed in this case. This is referenced and incorporated herein as if attached hereto – DC-14-509 Docket #7. One of the email addresses used in the

cyberstalking and harassment by Sean Boushie was CrystalCoxisABitch@yahoo.com, the same email that Crystal Cox has shown Sean Boushie sent to her and others.

22. On August 4, 2013, Sean Boushie attempted to murder William M. Windsor as he drove from Butte to Missoula Montana. William M. Windsor received an email from Sean Boushie saying he had shot at him and missed.

23. On August 6, 2013, William M. Windsor attempted to obtain a Temporary Order of Protection against Sean Boushie in Ravalli County where Sean Boushie lives. This shows that William M. Windsor's residence was South Dakota.

24. William M. Windsor presented his Petition for Temporary Order of Protection to a colleague of Judge James A. Haynes, Justice of the Peace Jim Bailey. Justice of the Peace Jim Bailey came out of his office with looks to kill and physically threw the filing at William M. Windsor and told him he could never file anything in his court ever again.

25. William M. Windsor hand wrote an Appeal and passed it through to Justice of the peace Jim Bailey's clerk. A minute later, Justice of the Peace Jim Bailey stormed out into the courthouse waiting room, wadded up William M. Windsor's Appeal, threw it at him, hit him in the face, and called the Ravalli County Sheriff's Office to try to have him arrested.

26. William M. Windsor then presented his Petition for Temporary Order of Protection to Ravalli County District Court Judge James A. Haynes. On August 9, 2013, Judge James A. Haynes denied the Petition claiming Sean Boushie would first have to be convicted of a crime before William M. Windsor would qualify for a protective order. This was false, and Judge James A. Haynes knew it was false. Judge James A. Haynes issued his order to protect Sean Boushie, as had Justice of

the Peace Jim Bailey. (Exhibit 1 is a true and correct copy of the Order denying the Petition.)

27. William M. Windsor sought reconsideration of his Petition for Temporary Order of Protection with Ravalli County District Court Judge James A. Haynes. On August 13, 2013, Judge James A. Haynes denied the reconsideration. (Exhibit 2 is a true and correct copy of the Order denying the Reconsideration.) In this Order, Judge James A. Haynes stated that he was unfamiliar with Sean Boushie. This is false.

28. Both the Ravalli Justice of the Peace and Judge James A. Haynes had done this before with Sean Boushie.

29. William M. Windsor then experienced similar outlandish responses from Judge Kathleen Jenks of the Missoula Municipal Court and Judge John W. Larson of the Fourth Judicial District Court in Missoula County Montana.

30. On August 6, 2013, William M. Windsor filed a Petition for a Temporary Order of Protection in the Missoula Municipal Court. (Exhibit ___ is a true and correct copy of the Petition.) This shows that William M. Windsor's residence was South Dakota.

31. On August 7, 2013, Judge Kathleen Jenks refused to even issue an order; the Deputy Clerk in the Clerk of the Court's Office simply told William M. Windsor that his Petition was denied.

32. On August 8, 2013, William M. Windsor appealed the denial of Judge Kathleen Jenks to the Fourth Judicial District Court in Missoula County.

33. On August 13, 2013, Sean Boushie filed an ex parte Petition for Temporary Order of Protection against William M. Windsor in the Missoula Municipal Court.

34. On August 15, 2013, Judge Sam Warren of the Missoula Municipal Court issued a bench order dismissing the petition of Sean Boushie.

35. Judge John W. Larson issued an order denying the appeal of William M. Windsor.

36. On August 21, 2013, Sean Boushie filed another ex parte Petition for Temporary Order of Protection against William M. Windsor in the Missoula Municipal Court. In the Petition, Sean Boushie stated that he lived in Ravalli County. He acknowledged that William M. Windsor was a resident of South Dakota.

37. On August 23, 2013, Judge Sam Warren of the Missoula Municipal Court granted the Petition for Temporary Order of Protection (“PTOP”) of Sean Boushie.

38. William M. Windsor was served with the Temporary Order of Protection on August 23, 2013. The Temporary Order of Protection says it expired on September 16, 2013. This is the only protective order that William M. Windsor was ever served with regarding Sean Boushie.

39. William M. Windsor left Missoula on August 23, 2013 and left Montana on August 26, 2013 after two days of filming in Great Falls.

40. On August 26, 2013, William M. Windsor appealed the Temporary Order of Protection to the Fourth Judicial District Court in Missoula County Montana.

41. Montana law says temporary order of protection are valid for only 20 days.

42. William M. Windsor filed sworn testimony in Dept. 3 in the Fourth Judicial District Court in Missoula County Montana that shows that William M. Windsor was not a resident of Montana.

43. Judge John W. Larson issued an order on William M. Windsor’s appeal of the Temporary Order of Protection that affirmed the TOP. The actions of

Judge John W. Larson in the case were rife with corruption. Sean Boushie was granted a Temporary Order of Protection based on a perjury-filled Petition.

44. Judge John W. Larson issued an order filled with false statements that the Record in the case proved to be false. Judge John W. Larson committed perjury and obstruction of justice. He even issued an order denying William M. Windsor the right to file any lawsuits in Montana.

45. Judge John W. Larson's Order 13 does not meet the requirements of an order of protection. It does not contain the content required by MCA Title 40 Chapter 15. The Order was not served on William M. Windsor as required by MCA 40-15-204(7). The Order was not registered as required by MCA 40-15-303. The Order did not contain the disclosure required by MCA 40-14-204(9). The Order did not contain the disclosure required by MCA 40-15-204(6). The Order did not specify a time period as required by MCA 40-15-204(5).

46. Evidence of all of this is in the "Motion to Quash Bench Warrant."

47. William M. Windsor appealed the Temporary Order of Protection to the Montana Supreme Court.

48. On December 30, 2013, a Tweet was allegedly sent to William M. Windsor's Twitter subscribers. It included the words "Sean Boushie."

49. On December 23, 2013, William M. Windsor filed a civil lawsuit against Sean Boushie and the University of Montana in the United States District Court for Montana. The Verified Complaint shows William M. Windsor was a resident of South Dakota. This is Case # 13-311-M-DLC-JCL.

50. On February 6, 2014, an email was sent to Claudia Denker-Eccles, corporate counsel for the University of Montana, with notice of the filing of an affidavit of Mary Wilson in Case # 13-311-M-DLC-JCL.

51. In February 2014, the Montana Supreme Court issued an opinion regarding the order of Judge James A. Haynes denying William M. Windsor's Petition for Temporary Order of Protection.

52. On May 4, 2014, an article was published on LawlessAmerica.com in the name of William M. Windsor. The article was about Sean D. Fleming of Madison Heights Michigan. It included the words "Sean Boushie."

53. On July 4, 2014, an article was published on LawlessAmerica.com in the name of William M. Windsor. The article was about Sean D. Fleming of Madison Heights Michigan. It included the words "Sean Boushie."

54. On June 10, 2014, the Montana Supreme Court issued an opinion that affirmed the Temporary Order of Protection and remanded it to the Missoula Municipal Court.

55. The Opinion of the Montana Supreme Court is not an order, except as to remand to the Missoula Municipal Court for further proceedings. The Opinion does not meet the requirements of an order of protection. The Opinion does not contain the content required by MCA Title 40 Chapter 15. The Opinion was not served on William M. Windsor as required by MCA 40-15-204(7). The Opinion was not registered as required by MCA 40-15-303. The Opinion did not contain the disclosure required by MCA 40-14-204(9). The Opinion did not contain the disclosure required by MCA 40-15-204(6). The Opinion did not specify a time period as required by MCA 40-15-204(5).

56. No hearing was ever held to consider if the Temporary Order of Protection should be made a permanent order of protection.

57. If the Temporary Order of Protection was stayed by the appeals, there were four days prior to the start of the appeal process. Sixteen days after the Montana Supreme Court rendered its Opinion was June 26, 2014. So, the

Temporary Order of Protection expired on either September 16, 2013 or June 26, 2014.

58. On October 2, 2014, the website www.seanboushie.com was active on the Internet, just as it had been every day since August 23, 2013. The content never changed.

59. On January 17, 2014, Sean Boushie attempted to obtain an order of protection in Ellis County Texas, but he was unsuccessful.

60. On October 3, 2014, Information was filed with the Fourth Judicial District Court in Missoula County Montana. This resulted in a Bench Warrant for William M. Windsor. (See Record in DC-14-509.) The Bench Warrant signed by Judge Karen Townsend charges William M. Windsor as follows:

Count I: Violation of Order of Protection – 1st Offense, a misdemeanor;

Count II: Violation of Order of Protection – 2nd Offense, a misdemeanor;

Count III: Violation of Order of Protection – 3rd or Subsequent Offense, a felony;

Count IV: Violation of Order of Protection – 3rd or Subsequent Offense, a felony;

Count V: Violation of Order of Protection – 3rd or Subsequent Offense, a felony;

61. The alleged offenses took place on the following dates:

Count I: May 4, 2014

Count II: July 4, 2014

Count III: December 30, 2013

Count IV: February 6, 2014

Count V: October 2, 2014

62. Sean Boushie is the accuser in this case. The cyberstalker and would-be killer of William M. Windsor is now the person that the Missoula County Attorney's Office, Missoula Police Department, and Missoula Courts are protecting by trying to send William M. Windsor to prison.

63. William M. Windsor has been producing and directing a documentary film, Lawless America. William M. Windsor has named Montana the most corrupt state in America and has named Judge John W. Larson and Judge James A. Haynes as two of the most corrupt judges in America.

64. William M. Windsor is confident that the reason this bogus case exists is to try to stop Lawless America...The Movie from reaching theaters and to try to stop William M. Windsor from exposing corruption and that Sean Boushie is a paid government stalker protected by the University of Montana, Montana law enforcement, and Montana courts.

65. William M. Windsor was picked up on the Bench Warrant in Ellis County Texas on October 28, 2014. He knew nothing of the alleged charges when he was committed to the Ellis County Texas Jail. William M. Windsor has never resided in Ellis County Texas; he was there as the plaintiff in a civil action.

66. On October 29, 2014, William M. Windsor was arraigned on the Montana charges in Ellis County Texas. He pled not guilty. William M. Windsor was held in the Ellis County Texas Jail for 53 days and was denied bond by Judge John W. Larson of the Fourth Judicial District Court in Missoula County Montana.

67. On December 29, 2014, William M. Windsor moved out of a place where he had been staying temporarily in Dallas Texas, and he began driving to Missoula Montana to surrender and face the charges in this case. William M. Windsor's residence from August 31, 2013 to December 29, 2014 was South Dakota.

68. Upon information and belief, Judge John W. Larson tried to conceal his role in this case. When his name appeared rather than Judge Karen Townsend's, William M. Windsor filed a motion to have him removed as the judge. Judge John W. Larson then hand-picked Judge James A. Haynes, undoubtedly because he knew Judge James A. Haynes shared his ill feelings toward their enemy, William M. Windsor.

69. William M. Windsor was detained on the Bench Warrant on February 19, 2015 in Ada County Idaho. He was held in the Ada County Jail for 35 days, from February 19, 2015 to March 25, 2015.

70. William M. Windsor was never served with a Governor's Warrant. When he was told that a Governor's Warrant existed, William M. Windsor appealed the denial of his first Petition for Writ of habeas Corpus based on unlawful arrest and incarceration. He also filed a Second Petition for Writ of Habeas Corpus with the Idaho Supreme Court challenging the alleged Governor's Warrant. This is permitted pursuant to Idaho Code Title 19 Section 45. The Appeal and Second Petition for Writ of Habeas Corpus were filed on March 23 and 24, 2015. These filings were supposed to stay any further action on extradition to Montana.

71. However, William M. Windsor was transported from Ada County Idaho to the Missoula County Detention Center on March 25, 2015 by two Missoula County Montana Sheriff's Deputies. William M. Windsor had not been in Montana since he left on August 26, 2013.

72. On February 12, 2015, Sean Boushie asked Judge John W. Larson to terminate an unspecified order of protection.

73. On February 20, 2015, Judge John W. Larson issued an order terminating an unspecified order of protection.

74. William M. Windsor was in jail in Ada County Idaho and did not know that Judge James A. Haynes was the new judge in this case until shortly before William M. Windsor was transported to the Missoula County Detention Center.

75. On March 27, 2015, Judge James A. Haynes held a hearing. (DC-14-509 Docket #20.) During that hearing, Judge James A. Haynes asked William M. Windsor to take action regarding www.seanboushie.com. Prior to that date, William M. Windsor had never been asked by anyone to take any action regarding www.seanboushie.co or www.seanboushie.com.

76. There was no order of protection of any type against William M. Windsor in March, April, or May 2015.

77. Judge James A. Haynes proceeded to deny William M. Windsor's Motion to Quash Bench Warrant. (DC-14-509 Docket #7 and 17.) This shows his bias because the Motion was solid as a rock with many, many reasons why the Bench Warrant had to be quashed.

78. William M. Windsor has long planned to call Judge James A. Haynes as a fact witness in this case. His name is on the witness list that was provided to the State.

79. There is absolutely no question that Judge James A. Haynes is extremely biased against William M. Windsor. He demonstrated this in hearings on April 8, 2015 and April 29, 2015.

80. 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.

81. The April 29, 2015 hearing was similarly outrageous.

82. According to William M. Windsor's research, no order of protection against William M. Windsor was ever registered in Montana or Texas.

83. William M. Windsor has not been given notice of hearings. He has been given only a few minutes to leave his cell, and he has not been told what the hearings are even about. William M. Windsor has been completely denied any opportunity to prepare for the hearings. But it actually didn't matter because Judge James A. Haynes did not give William M. Windsor any real opportunity to speak.

84. 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. That Motion is referenced and incorporated herein as if attached hereto.

85. The transcripts and recordings of the April 2015 hearings will very effectively show the judicial misconduct and bias of Judge James A. Haynes. The transcripts and recordings are referenced and incorporated herein as if attached hereto.

86. 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. These are referenced and incorporated herein as if attached hereto.

87. William M. Windsor is pro se in this case. He rejected a public defender and cannot afford a private attorney. Judge Karen A. Orzech accepted William M. Windsor's request to terminate Christopher Daly as his Back-Up Counsel, and she signed an order to that effect on May 6, 2015.

88. William M. Windsor needs sufficient notice of hearings so he can attempt to prepare.

89. Three hearings have been held thus far in this case, and William M. Windsor had one day's notice on only the initial hearing on March 27, 2015. For the April 8 and April 29, 2015 hearings, William M. Windsor received five minutes' notice.

90. Five minutes' notice denied William M. Windsor his Constitutionally-protected rights to due process. Procedural due process requires that government action be implemented in a fair manner.

91. There was nothing fair about being called to a hearing with five minutes' notice. There was nothing fair about not being told what the hearings were about until William M. Windsor was at the courthouse.

92. At the April hearings, William M. Windsor was denied the right to present and argue his motions. He was barely given the opportunity to speak. This is a denial of due process and William M. Windsor's Constitutional rights.

93. 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.

94. 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.

95. Judge James A. Haynes has conducted ex parte discussions with the State.

96. All of these acts have violated William M. Windsor's Constitutional rights to due process and equal protection.

97. The Minutes of the April hearings do not fully reflect what took place. For example, when Judge James A. Haynes demeans William M. Windsor by

saying his motions are like a child whining, this did not appear in either of the minutes where this took place.

98. 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.

99. 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.

100. 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.

101. 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.

102. William M. Windsor has been kept shackled at his ankles with both hands handcuffed together at his navel. He has been unable to write or access his files. This was improved slightly at the April 29, 2015 hearing when one hand was freed.

103. Judge James A. Haynes, the courtroom clerks, the Clerk of the Court, and the Missoula County Sheriff's Department and Jail have grossly violated William M. Windsor's legal rights, Constitutional rights, rights to a fair trial, rights to due process, and rights to equal protection.

104. 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.

105. William M. Windsor has also had no response to his written requests for recordings and transcripts from each hearing.

106. Filings sent to the Clerk of the Court have disappeared. One filing was held for three weeks and then returned unfiled with no explanation.

107. The Jail has violated its published policies by denying William M. Windsor mail that includes printed matter that he needed off the Internet.

108. Judge James A. Haynes is clearly biased against William M. Windsor personally and as a pro se defendant. The Code of Judicial Conduct and the Bill of Rights require Judge James A. Haynes to disqualify himself, but he has failed to do so in violation of Rule 2.12 of the Montana Code of Judicial Conduct. Judge James A. Haynes is a fact witness in this case. He has knowledge of facts that will be in dispute in this case. He has a prior relationship of some type with William M. Windsor's accuser, Sean Boushie. This caused him to issue a truly bizarre ruling that denied William M. Windsor a protective order against Sean Boushie after Sean Boushie attempted to murder William M. Windsor.

109. 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.

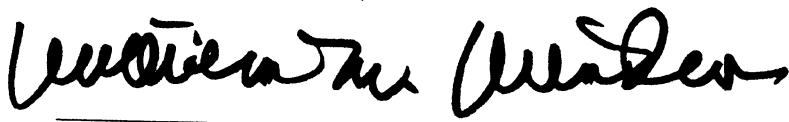
110. Judge James A. Haynes was handpicked to handle this case because of his bias against William M. Windsor. This can be seen in the Order of Assignment DC-14-509 Docket #15.

111. As William M. Windsor was preparing this Motion in his cell, he received two pieces of paper in the mail. One is the first page of the "First Supplement to the Petition for Writ of Habeas Corpus" that William M. Windsor sent for filing on or about April 27, 2015. The other is part of a letter to the Clerk of the Court. Neither is file-stamped. Upon information and belief, Judge James A. Haynes is interfering with the filing of William M. Windsor's documents. As he threatened to do at the April 29, 2015 hearing, it appears that Judge James A. Haynes is also simply denying William M. Windsor's motions without procedural due process.

112. William M. Windsor is being denied a fair trial, one of those Constitutional rights in America that is denied by corrupt judges. William M. Windsor asks that action be taken by this Court to reduce overt bias.

113. Documents referenced herein are filed as part of DC-14-509 Docket #7.

This 12th day of May 2015,

A handwritten signature in black ink, appearing to read "William M. Windsor", written over a horizontal line.


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.

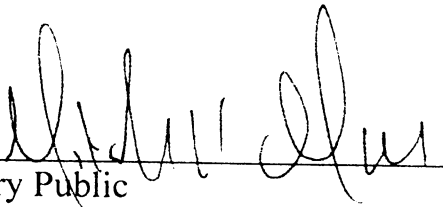
I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

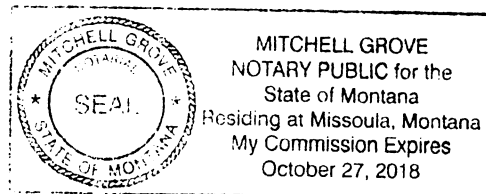
This 12th day of May 2015.



William M. Windsor

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



Notary Public

Exhibit

1

HON. JAMES A. HAYNES
District Judge - Dept. 2
Twenty-First Judicial District
Ravalli County Courthouse
205 Bedford - Suite B
Hamilton, Montana 59840
(406) 375-6780
Fax (406) 375-6785

FILED
PAIGE TRAUTWEIN, CLERK

AUG 09 2013

Paige Trautwein
DEPUTY

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

IN RE THE APPEAL OF: WILLIAM M. WINDSOR, Petitioner, vs. SEAN BOUSHIE, Respondent.	Cause No. SB 13-24/2 Department No. 2 ORDER
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MCA Section 40-15-102 states, in pertinent part: "Petitioner must be a victim of stalking as defined in 45-5-220." At this point, Mr. Windsor is an alleged victim. The County Attorney must file criminal charges and obtain a stalking conviction.

Mr. Windsor's "Appeal" is DENIED, as premature, and without prejudice.

DATED this 9th day of August, 2013.

James A. Haynes

HON. JAMES A. HAYNES, District Judge

I certify that I forwarded copies of
this instrument to counsel of record *w. Windsor, Rose*
Paige Trautwein

Paige Trautwein, Clerk
Paige Trautwein

Paige Trautwein, Deputy

Exhibit

2

HON. JAMES A. HAYNES
District Judge - Dept. 2
Twenty-First Judicial District
Ravalli County Courthouse
205 Bedford - Suite B
Hamilton, Montana 59840
(406) 375-6780
Fax (406) 375-6785

FILED
FAJAZ TRAUTWEIN, CLERK

AUG 13 2013

[Signature]

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

IN RE THE APPEAL OF: WILLIAM M. WINDSOR, Petitioner, vs. SEAN BOUSHIE, Respondent.	Cause No. SB 13-24 Department No. 2 ORDER DISMISSING APPEAL
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Petitioner William M. Windsor "Windsor" sought a Temporary Order of Protection ("TOP") in the Justice Court of Ravalli County, Montana on August 6, 2013.¹ Windsor sought protection from a person named Sean Boushie ("Boushie").² The Ravalli Justice Court denied Windsor's TOP request. Windsor appealed the denial to this Court on August 9, 2013. After reviewing Windsor's TOP petition, as well as the Ravalli Justice Court Order, this Court denied Windsor's appeal.

¹ The Court is unclear about Windsor's residency status. Some of the documents submitted suggest he is a resident of the State of Georgia, others suggest South Dakota.

² Respondent Boushie apparently resides in Stevensville or Missoula, Montana.

On August 12, 2013, Windsor filed a *Motion for Reconsideration of Appeal* (Doc. #3). Reconsideration motions are entirely disfavored; they are not authorized by the Montana Rules of Civil Procedure. *ABC Collectors, Inc. v. Birnel*, 2006 MT 148, ¶15, 332 Mont. 410, 138 P.3d 802.

In a nod, however, to Windsor's *pro se* status, the Court will briefly address the salient points in Windsor's reconsideration brief.

1. The Alleged Bias or Prejudice of Judge Haynes.

Windsor now asserts it "has been brought to [his] attention that Judge Haynes has previously ruled in [Boushie's] favor . . ." Windsor contends, therefore, ". . . Judge Haynes should have recused himself."

This Court is unfamiliar with either party in this cause. To the extent Petitioner Windsor believes otherwise, Montana law affords him the opportunity to "file an affidavit alleging facts showing personal bias or prejudice of [Judge Haynes]." §3-1-805, MCA. Mr. Windsor has failed to file the requisite affidavit.

2. TOP Statutory Law in Montana.

Section 40-15-201(1) provides:

40-15-201. Temporary order of protection. (1) A petitioner may seek a temporary order of protection from a court listed in 40-15-301. The petitioner shall file a sworn petition that states that the petitioner is in reasonable apprehension of bodily injury or is a victim of one of the offenses listed in 40-15-102, has a relationship to the respondent if required by 40-15-102, and is in danger of harm if the court does not issue a temporary order of protection immediately.

Section 40-15-102(1) and (2)(a) provide:

40-15-102. Eligibility for order of protection. (1) A person may file a petition for an order of protection if:

(a) the petitioner is in reasonable apprehension of bodily injury by the petitioner's partner or family member as defined in 45-5-206; or

(b) the petitioner is a victim of one of the following offenses committed by a partner or family member:

- (i) assault as defined in 45-5-201;
- (ii) aggravated assault as defined in 45-5-202;
- (iii) intimidation as defined in 45-5-203;
- (iv) partner or family member assault as defined in 45-5-206;
- (v) criminal endangerment as defined in 45-5-207;
- (vi) negligent endangerment as defined in 45-5-208;
- (vii) assault on a minor as defined in 45-5-212;
- (viii) assault with a weapon as defined in 45-5-213;
- (ix) unlawful restraint as defined in 45-5-301;
- (x) kidnapping as defined in 45-5-302;
- (xi) aggravated kidnapping as defined in 45-5-303; or
- (xii) arson as defined in 45-6-103.

(2) The following individuals are eligible to file a petition for an order of protection against the offender regardless of the individual's relationship to the offender:

(a) a victim of assault as defined in 45-5-201, aggravated assault as defined in 45-5-202, assault on a minor as defined in 45-5-212, stalking as defined in 45-5-220, incest as defined in 45-5-507, sexual assault as defined in 45-5-502, or sexual intercourse without consent as defined in 45-5-503;

.....

MCA, 45-5-206 (2)(a),(b):

(2) For the purposes of Title 40, chapter 15, 45-5-231 through 45-5-234, 46-6-311, and this section, the following definitions apply:

(a) "Family member" means mothers, fathers, children, brothers, sisters, and other past or present family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of

the ages of the parties and whether the parties reside in the same household.

(b) "Partners" means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship with a person of the opposite sex.

A. Three Elements for TOP.

Section 40-15-201(1) requires that Windsor address three elements in order to obtain consideration for his TOP request. Additionally, the Court must be satisfied, upon review, that a need for immediate action exists.

1. Reasonable Apprehension / Cyber-Stalking.

Windsor must state that he is in reasonable apprehension of bodily injury or is a victim of one of the offenses listed in 40-15-102. Mr. Windsor states that he has a *bona fide* fear of the bodily injury that Boushie that threatened to inflict upon Windsor. Petitioner Windsor's most specific allegation is:

"On August 4, 2013, I drove to Missoula from Billings. During that drive, a car in the lane to my right and just ahead of me burst into flames and a cloud of smoke billowed out, completely obscuring the roadway and the other vehicles. I grabbed my camera and was able to snap a couple of photos after I had slowed. The smoking car is in the right lane in the photo above and cannot be seen for all the smoke. Because of the death threats that I have received, I didn't stop, though I believe the car in front of me did."

The "photo" of this incident submitted by Windsor is a virtually all black Rorschach blot, indecipherable, and contributes nothing of value, except to increase the Court's skepticism of Windsor's credibility. Windsor also states he is a victim of Boushie's (cyber) stalking. From the almost 3" thick stack of documents submitted to the Court, both Windsor and Boushie appear adept at cyber-blogging.³

³ Defined as to write entries in, add material to, or maintain a weblog.

2. **Intimate Relationship.**

The second element, if applicable, is whether Windsor is a "partner of family member" of Boushie.⁴ Windsor omits reference to this element. This omission indicates that Windsor is neither a partner nor a family member of Boushie. If Windsor is neither a partner nor a family member of Boushie, Windsor is ineligible to obtain a petition for a TOP if Windsor is merely in reasonable apprehension of bodily injury. §40-15-102(1)(a). Windsor is eligible to obtain a TOP if he is a victim of assault, aggravated assault or stalking. §40-15-102(2)(a).

3. **Stalking (cyber).**

Petitioner Windsor equates cyber-stalking with stalking, as defined in §45-5-220(1), including "purposely or knowingly causes another person substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly . . . (b) harassing, threatening or intimidating . . . in person, by mail or by electronic communication as defined in §45-8-213, or any other action, device or method." The Court agrees that cyber-stalking could contribute to or otherwise constitute a form of stalking, and, assuming the underlying facts warrant, support issuance of a TOP.

B. **Insufficient Proof to Obtain TOP.**

Petitioner Windsor contends that he only need show a *prima facie* claim of stalking by Respondent Boushie in order to obtain a TOP. Additionally, Petitioner Windsor asserts that he is "the only person in the world who can say whether or not he is in fear for his safety . . ."

In Montana, however, whether or not a person is in reasonable fear for his or her safety (due to the conduct of another - in this case, Boushie) is determined from an objective point of view, e.g. a reasonable person standard. Thus, to obtain a TOP under even *prima facie* proof, Windsor needed to

⁴ As defined in §45-5-206(2)(a), (2)(b), MCA.

satisfy this Court that a reasonable person would believe that Windsor is being stalked by Boushie. Given the apparent geographic distance (Georgia or South Dakota to Montana) between these two blogging gentlemen as well as the First Amendment "free speech" rights with which they each appear familiar and in which they regularly engage, this Court is unable to conclude that any realistic fear for Windsor's physical well-being should exist merely due to the electronic cyber communications transmitted by and between them. Moreover, Windsor admits he recently drove in a vehicle across Montana to bring himself into the physical proximity of Boushie. During this drive Windsor infers that Boushie shot at Windsor's vehicle, missed, caused another vehicle to burst into flames, and that Windsor never stopped or contacted law enforcement. Windsor continued to drive closer toward his apparent destination of physical contact with Boushie. Mr. Windsor's claim of reasonable apprehension of bodily injury, therefore, appears specious.

Finally, upon a review of Windsor's petition, the Court must be satisfied that Windsor is in danger of harm if the Court fails to act immediately. Given that the cyber traffic is occurring over distances seemingly separated by several hundred miles, the Court is unable to discern any immediate danger of harm, except the potential of physical contact with Boushie that Windsor himself has initiated and inflicted upon himself by traveling into Western Montana.

C. Victim of Stalking.

Petitioner Windsor argues that he only need show a *prima facie* case that he is a victim of stalking in order to obtain a TOP, citing *State v. Yuhas*, 2010 MT 223, 358 Mont. 27, 243 P.3d 409. Yuhas was dating the mother of B.T. and was told by law enforcement to have no contact with B.T.¹ The *Yuhas* opinion clearly states that Yuhas was originally charged with and convicted of stalking.

¹ B.T. was, therefore, a child of a partner. §45-5-206(2)(b), MCA.

This means that B.T. was a proven "victim." §46-18-243(2), MCA. That is, a criminal conviction – proof beyond a reasonable doubt – was necessary to establish that B.T. was a victim of Yuhas' stalking. *Yuhas*, ¶15.

This Court's Order of August 9, 2013 noted: "At this point, Mr. Windsor is an alleged victim." Petitioner Windsor takes issue with this notation as well as with the Court's suggestion that the "County Attorney must file criminal charges and obtain a stalking conviction." In order to shift his legal status from an alleged victim of stalking to a proven victim of the crime of stalking, proof beyond a reasonable doubt must be submitted to the finder of fact, admitted into evidence, and must persuade the finder of fact in a trial setting. Petitioner Windsor's reconsideration motion fails to address his burden of proof, e.g. beyond a reasonable doubt. This burden of proof falls upon a private litigant who seeks to establish that he or she is a bona fide victim of stalking in order to obtain a TOP as fully as it falls upon a public prosecutor attempting to obtain a criminal conviction for stalking.

CONCLUSION

This District Court is unable – objectively – to find that any reasonable person would suffer the substantial emotional distress or a reasonable apprehension of bodily injury Windsor claims to have suffered based upon cyber-blog exchanges occurring over a distance of hundreds of miles. At any rate, the Court identifies no facts that, even *prima facie*, suggest that a TOP should issue in favor of Petitioner Windsor against Respondent Boushie based upon a need for immediate protection due to the alleged "stalking" acts of Respondent Boushie.

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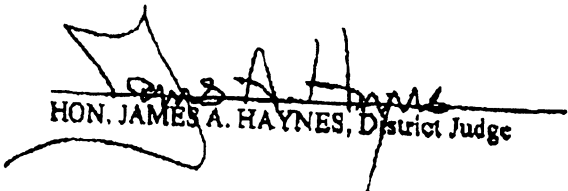
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ORDER

NOW THEREFORE IT IS ORDERED THAT

1. Petitioner Windsor's *Motion for Reconsideration of Appeal* (Doc. #3) is DENIED, and
2. Petitioner Windsor's Appeal is DISMISSED.

DATED this 13th day of August, 2013.


HON. JAMES A. HAYNES, District Judge

I certify that I forwarded copies of
this instrument to ~~secretary of record~~ *W. Windsor, Pro Se*
8/13/13
[Signature]
Clerk

Exhibit

3

