

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

IN THE SUPREME COURT OF THE STATE OF MONTANA

State of Montana,	§	No. PR 06-120
Plaintiff,	§	Fourth District Cause No. DC-14-509
	§	MOTION FOR RECONSIDERATION
v.	§	SECOND MOTION
William Michael Windsor,	§	TO DISQUALIFY
Defendant.	§	JUDGE JAMES A. HAYNES

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

A. A HEARING MUST BE HELD TO CONSIDER DISQUALIFICATION OF JUDGE JAMES A HAYNES BECAUSE WILLIAM M. WINDSOR DID ALLEGE FACTS SHOWING PERSONAL BIAS OR PREJUDICE.

1. William M. Windsor’s Second Motion to Disqualify Judge James A. Haynes was denied by the Chief Justice claiming that William M. Windsor had failed to allege facts showing personal bias or prejudice.
2. This is false. As William M. Windsor did allege facts showing personal bias, this Court is obligated by law to appoint a district court judge to hear this matter.
3. The Affidavit of William M. Windsor specifically expresses personal bias and prejudice in sworn paragraphs 26, 27, 28, 63, 64, 77, 78, 79, 80, 81, 83, 84, 85, 86, 92, 93, 94, 95, 97, 98, 100, 102, 103, 104, 106, 108, 109, 110, 111, and

112. Paragraphs 79, 81, and 85 express that recordings and transcripts of hearings are needed to document the bias and prejudice.

4. William M. Windsor's verified Motion to Disqualify stated:
 - a. "Judge James A. Haynes is biased against William M. Windsor as a person attempting to expose judicial corruption in general and him in particular."
 - b. "Judge James A. Haynes is biased against William M. Windsor as a pro se defendant in a criminal case."
 - c. "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."
 - d. "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."
 - e. "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."
 - f. "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."

- g. “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.”
- h. “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.”
- i. “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.”
- j. “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 provide extensive reasons. Judge James A. Haynes demonstrated his bias against William M. Windsor by ignoring 9½ of the 10 arguments.”
- k. “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."

- l. "Judge James A. Haynes demonstrated his bias against William M. Windsor by failing to give him notice of hearings."
- m. "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."
- n. "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."
- o. "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."
- p. "Judge James A. Haynes demonstrated his bias against William M. Windsor by denying his Constitutionally-protected rights to due process."
- q. "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.”

- r. “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.”
- s. “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.”
- t. “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.”
- u. “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.”
- v. “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.”

- w. “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.”
- x. “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. THE CHIEF JUSTICE FAILED TO ADDRESS THAT JUDGE JAMES A HAYNES SHOULD BE DISQUALIFIED PURSUANT TO MCA 3-1-803

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

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

C. THE CHIEF JUSTICE FAILED TO ADDRESS THAT 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.

11. 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.

12. 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.

13. 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.

14. 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 to expose

him, and Judge James A. Haynes will be featured in the documentary film, Lawless America. Judge James A. Haynes must be disqualified.

15. 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.

16. The judge holds enormous power in the criminal justice systems. Because this power is disproportionately large, a defendant has the right to trial by an impartial and unbiased judge. In *Tumey v. Ohio*, 273 U.S. 510 (1927), the Supreme Court explained why it is important for judges to be impartial:

"[I]t certainly violates the Fourteenth Amendment and deprives a defendant in a criminal case of due process of law to subject his liberty or property to the judgment of a court, the judge of which has a direct personal, substantial pecuniary interest in reaching a conclusion against him in his case"

"Due process of law requires that the proceedings shall be fair, but fairness is a relative, not an absolute concept... What is fair in one set of circumstances may be an act of tyranny in others." (*Snyder v. Massachusetts*, 291 U.S. 97, 116, 117 (1934). See also *Buchalter v. New York*, 319 U.S. 427, 429 (1943).)

Conversely, "as applied to a criminal trial, denial of due process is the failure to observe that fundamental fairness essential to the very concept of justice. In order to declare a denial of it . . . [the Court] must find that the absence of that fairness fatally infected the trial; the acts complained of must be of such quality as necessarily prevents a fair trial." (*Lisenba v. California*, 314 U.S. 219, 236 (1941).)

17. If Judge James A. Haynes is not disqualified, William M. Windsor will be assured that his Constitutional right to a fair trial will not exist.

WHEREFORE, William M. Windsor prays that Judge James A. Haynes be disqualified in this case; 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 4th day of June 2015,

A handwritten signature in black ink, appearing to read "William M. Windsor". The signature is written in a cursive style with a large initial "W".

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 4th day of June 2015,



William M. Windsor