

Exhibit

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William M. Windsor
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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 AUGUST 28, 2015

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.

2. I was incarcerated and did not have access to law library information to be able to file the Motion for Hearing and Motion to Dismiss for Lack of Probable Cause prior to the Omnibus Hearing. I filed a Motion to Amend the Omnibus Memorandum to allow lack of probable cause to be raised in a pre-trial motion, and this Court granted that motion. Good cause was established pursuant to MCA 46-13-101(1). In addition, I present evidence that the Affidavit and Information in this matter contain deliberate falsehoods and reckless disregard for the truth. The Fourth Amendment, as incorporated in the Fourteenth Amendment, requires that a hearing be held at the Defendant's request. I so request.

3. I request a probable cause hearing. The purpose will be to determine whether the facts available establish a reasonable belief that I have committed violations.

4. I request that this Court dismiss the charges against me due to the deliberate falsehoods and reckless disregard for the truth in the Affidavit and Information as well as a lack of sufficient evidence to establish probable cause.

5. A Temporary Order of Protection ("TOP") was issued against me on August 23, 2013. The TOP states twice that it was to expire on September 16, 2013. The TOP was never

amended. The TOP did expire. There was never a hearing to make it permanent, and I was never served with any other order of protection, as required by MCA 40-15-204 (7).

6. I was in Dallas Texas from August 31, 2013 until December 29, 2014.

7. I have been simultaneously charged with five protective order violations. (See DC-14-509 Docket # 1, 2, 3, 4, and 5.)

8. The first paragraph of the Affidavit and Motion for Leave to File Information alleges that all five offenses were committed in Missoula County. This is the only affidavit.

9. The first paragraph of the Information alleges that all five offenses were committed in Missoula County on or about the 30th day of December 2013.

10. With regard to the first count, the Information alleges: "On or about the 4th day of May, 2014, the above-named Defendant (William M. Windsor) committed the offense of violation of an order of protection when, with knowledge of the order, purposely or knowingly violated a provision of an order provided for in 40-4-121 or an order of protection under Title 40, chapter 15, to wit: "Defendant posted an article on his website, www.lawlessamerica.com, authored by himself, which mentioned Sean Boushie three times."

11. With regard to the second count, the Information alleges: "On or about the 4th day of July, 2014, the above-named Defendant committed the offense of violation of an order of protection when, with knowledge of the order, purposely or knowingly violated a provision of an order provided for in 40-4-121 or an order of protection under Title 40, chapter 15, to wit: "Defendant posted an article on his website, www.lawlessamerica.com, authored by himself, which mentioned Sean Boushie once."

12. With regard to the third count, the Information alleges: "On or about the 2nd day of October, 2014, the above-named Defendant committed the offense of violation of an order of protection when, with knowledge of the order, purposely or knowingly violated a provision of an order provided for in 40-4-121 or an order of protection under Title 40, chapter 15, to wit: "Defendant has not released control of the website www.seanboushie.com to Sean Boushie, a third or subsequent offense."

13. With regard to the fourth count, the Information alleges: "On or about the 30th day of December, 2013, in Missoula County, the above-named Defendant committed the offense of violation of an order of protection when, with knowledge of the order, purposely or knowingly violated a provision of an order provided for in 40-4-121 or an order of protection under Title 40,

chapter 15, to wit: “Defendant posted Sean Boushie’s name on Twitter, a third or subsequent offense.” Elsewhere, this is stated to be the posting of a video with the title: “Bill Windsor is banned from the University of Montana and Sean Boushie. Corruption at its finest.”

14. With regard to the fifth count, the Information alleges: “On or about the 6th day of February, 2014, the above-named Defendant committed the offense of violation of an order of protection when, with knowledge of the order, purposely or knowingly violated a provision of an order provided for in 40-4-121 or an order of protection under Title 40, chapter 15, to wit: “Defendant emailed Claudia Denker-Eccles, Associate Counsel for the University of Montana, a third or subsequent offense.”

15. The Affidavit and Motion for Leave to File Information says “The Motion is based upon the following facts which have been obtained from reports of law enforcement and discussions with victims which, if true, I believe constitute sufficient probable cause to justify the filing of the charges.”

16. The Affidavit was not made based upon personal knowledge. None of the alleged facts were supported by affidavit from anyone with personal knowledge.

17. The facts presented are insufficient to support the charges and must be dismissed.

18. The complaint is deficient as to all five counts.

19. An order of protection did not exist, and the Affidavit and Information failed to show that an order of protection did exist. Counts 1 to 5 fail as this required element was not met. There was no order of protection attached. No case was identified. The TOP had expired.

20. The only order of protection served on me was a Temporary Order of Protection dated August 23, 2013. It states twice that it expired September 16, 2013. The TOP was unintelligible. I was never served with another order as is required by MCA 40-15-204 (7). The Affidavit says I had knowledge of an order, but there is no evidence to back that up. There is no testimony, and there are no documents in the State’s evidence production. Counts 1 to 5 fail as this required element was not met.

21. Montana law states very clearly (MCA 45-5-220) that stalking does not apply to Constitutionally-protected activity. Freedom of speech and freedom of the press are the most fundamental of the Constitutionally-protected activities. (First Amendment to the United States Constitution.) The five counts are all cases of freedom of speech, and the TOP was not pursuant to MCA Title 40 Chapter 15. MCA Title 40 Chapter 15 states that temporary orders of

protection are valid for only 20 days and that a hearing must be held if a temporary order is to be made permanent. (MCA 40-15-202.) There was never a hearing, and the TOP was never amended to change the expiration date of September 16, 2013. MCA 40-15-204 (6) provides that "An order of protection must include a section that indicates whether there are any other civil or criminal actions pending involving the parties, a brief description of the action, and the court in which the action is filed." This was not done. MCA 40-15-204 (7) provides "An amendment to a temporary order of protection or to an order of protection is effective only after it has been served in writing on the opposing party." I was never served with an amendment. MCA 40-15-204 also provides "This order may be amended only by further order of this court or another court that assumes jurisdiction over this matter." The Missoula Municipal Court never amended the order, and no other court assumed jurisdiction over the matter. MCA 40-15-102 provides that only a person who files a petition or a family member is eligible for an order of protection. Therefore, "U of M staff" was not eligible for an order of protection. Counts 1 to 5 fail as this required element was not met.

22. The TOP was invalid because I had never been convicted of a crime as Judge James A. Haynes ordered in August 2013 was a requirement before a TOP could be issued to anyone; the TOP was based on fraud upon the court; the TOP purported to prohibit Constitutionally-protected acts; the TOP was an ex parte temporary order and thus invalid by statute in Texas; the TOP was effective only in Montana (MCA 40-15-301 (6)); and the TOP was a void order because it was unconstitutional and was not pursuant to Montana law. No order of protection was registered. (MCA 40-15-303.) Counts 1 to 5 fail as this required element was not met.

23. The statement that all five counts were committed in Montana on December 30, 2013 is a deliberate falsehood. This was done to claim that I was a fugitive from justice, which made it much easier to extradite me. Both Montana and Texas have enacted the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act. The Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act provides that an ex parte temporary order of protection is invalid in Texas where I was when these alleged Montana crimes were committed. Counts 1 to 5 fail as this required element was not met.

24. **Element #6 – The accused must have purposely or knowingly violated a provision of an order provided for in MCA Title 40 Chapter 15.** The State's Affidavit claims

that I purposely or knowingly violated a provision of an order provided for in MCA Title 40 Chapter 15, but the State's witnesses and evidence provide no factual support for such an outlandish claim. I did nothing knowingly and purposely. I have no criminal record. I did not intend to commit any crimes, and I did not commit any crimes. Counts 1 to 5 fail as this required element was not met.

25. The Information did not contain allegations specific enough to meet the probable cause requirement of MCA 46-11-201(2). The Information was not sworn or based upon personal knowledge.

26. There was no supporting affidavit to the Information. The only affidavit was with the Motion for Leave to File Information, and it is wholly inadequate. It was not sworn, was not made under penalty of perjury, and did not even say it was true and correct. According to MontanaLawHelp.org, the Affidavit had to swear or affirm that it was true.

27. The prosecution failed to recite facts indicating that it is probable that I committed the offenses.

28. The allegations in the Affidavit do not indicate a probability that I committed the alleged crimes.

29. Judge Karen Townsend did not examine the complainant or anyone else. In this matter, there was no affidavit from the complainant, and there was no examination of the complainant under oath or otherwise.

30. Judge Karen Townsend was not a neutral and detached judge. It violated my rights to due process to have Judge Karen Townsend handle this matter. Detective Chris Shermer stated at his witness interview that he had spoken to Judge Karen Townsend in 2013 to advise her that I was being considered for criminal charges. Judge Karen Townsend was one of the judges in the TOP matter, and she was acting for her mentor, Judge John W. Larson, the judge most involved in corruption in this matter.

31. The Affidavit supporting the Motion for Leave to File the Information contains deliberate falsehoods and reckless disregard for the truth.

32. Most of the facts in the Affidavit in support of the Motion to File the Information must be excised and, after these facts are deleted, the Affidavit will clearly fail to establish probable cause.

33. The Affidavit, Information, and Warrant issued in this matter fails the totality of the circumstances test.

34. As shown in the paragraphs in the Motion to Dismiss for Lack of Probable Cause, Judge Karen Townsend was presented with one false or incorrect statement after another, and there was no affidavit from any alleged victim.

35. The first paragraph of the Information alleges that all five offenses were committed in Missoula County on or about the 30th day of December 2013. This is a deliberate falsehood, and this must be excised. There is no evidence in the investigative file to this effect.

36. This sentence on Page 1 of the Affidavit is false and must be excised: “Tyler Dugger, Intern – County Attorney, and Jennifer Clark, Chief Deputy Prosecutor, of Missoula County, Montana, being first duly sworn, moved the Court for leave to file an Information charging the above-named Defendant with allegedly committing the offense(s) in Missoula County....” This is a deliberate falsehood, and this must be excised. There were no facts whatsoever presented to indicate that any offenses were committed in Missoula County. There is no evidence and no witness testimony to claim that any offenses were committed in Missoula County. Tyler Dugger and Jennifer Clark were not witnesses to any facts in regard to these alleged violations, and claiming the offenses were committed in Missoula County is hearsay, not admissible as per MCA Rule 802. Nowhere else in the Affidavit or Information is there any statement about these alleged offenses being committed in Missoula County.

37. This sentence on Page 2 of the Affidavit is incorrect and must be excised: “On August 23, 2013, Sean Boushie met with Detective Chris Shermer, Missoula Police Department. This is false and hearsay. The evidence produced by the State shows that there was no such meeting. Therefore, all of the remaining content on Page 2 and Page 3 must be excised.

38. This sentence on Page 2 of the Affidavit is false and must be excised: “Boushie reported that at the hands of William Windsor he had been the victim of a substantial online harassment campaign.” This is false, hearsay, is unsupported by an affidavit or examination of Sean Boushie, and was not communicated to Chris Shermer on August 23, 2013. This is also proven false by evidence in the investigative file.

39. This sentence on Page 2 of the Affidavit is incorrect and must be excised: “On August 21, 2013, Municipal Court Judge Warren granted Boushie a Temporary Order of Protection.” There was no order granted on August 21, 2013.

40. This sentence on Page 2 of the Affidavit is false and must be excised: “Judge Larson and the Montana Supreme Court both upheld the protective order.” There was no protective order, only an ex parte temporary order of protection. The Montana Supreme Court remanded the matter to the Missoula Municipal Court for a hearing, and no hearing was ever held. There was never an order served on me after August 23, 2013, so there was no valid protective order after the September 16, 2013 expiration.

41. This sentence on Page 2 of the Affidavit is false and deceptive must be excised: “However, per Judge Larson’s November 14, 2013, to the original Order of Protection remains in effect until modified by the Municipal Court.” This is an incomplete sentence that makes no sense. There was no Order of Protection, only an ex parte Temporary Order of Protection. Judge John W. Larson had no authority to order an expired ex parte temporary order of protection to remain in effect until modified by the Municipal Court.

42. This sentence on Page 2 of the Affidavit is false and must be excised: “The order protects Sean M. Boushie, Wynette L. Boushie, and the University of Montana and its staff.” Page 1 of the expired ex parte TOP shows only Sean Boushie and Wynette Boushie as protected persons.

43. This sentence on Pages 2 and 3 of the Affidavit is false and deceptive must be excised: “Windsor was barred from harassing, annoying, disturbing the peace of, calling, contacting, or otherwise communicating directly or indirectly, with Sean M. Boushie, Wynette Boushie, and the University of Montana Staff.” The University of Montana was not a “protected party,” and the TOP did not state “University of Montana.”

44. This sentence on Page 3 of the Affidavit is false and must be excised: “Further, Respondent was ordered to release www.seanboushie.com to Sean M. Boushie.” The TOP clearly shows www.seanboushie.co, not www.seanboushie.com.

45. This sentence on Page 3 of the Affidavit is false and must be excised: “Windsor was barred from posting petitioners name online.” The TOP says no such thing. It says either “on liv,” “on liu,” or “on lit.” On June 10, 2014, the Montana Supreme Court ruled that the TOP provided that I could not post about Sean Boushie on www.SeanBoushie.com. I haven’t. The State’s copy of a download of www.SeanBoushie.com in the State’s evidence shows that nothing was published on the website after August 23, 2013 when I was served with the TOP.

46. This sentence on Page 3 of the Affidavit is false and must be excised: “On May 4, 2014, Windsor posted on his website, www.lawlessamerica.com, an article, authored by himself, which lists Sean Boushie’s name three times.” This is hearsay. There is no evidence or testimony to prove that I authored this or posted anything. It was not a post. There is no evidence or testimony to show that www.lawlessamerica.com is my website. In Sean Boushie’s Petition for Temporary Order of Protection, he swore before a notary that my “wife was the legally registered owner.” There is no indication that this violated any order of protection.

47. This sentence on Page 3 of the Affidavit is false and must be excised: “On July 4, 2014, Windsor posted on his website, www.lawlessamerica.com, an article, authored by himself, which lists Sean Boushie’s name once.” This is hearsay. There is no evidence or testimony to prove that I authored this or posted anything. If the TOP was ever valid, it prohibited only a “post.” There was no post. A Tweet is not a “post.” A post is defined as “to publish a message in an online forum or newsgroup.” Twitter is neither an online forum nor a newsgroup. There is nothing in the TOP to prohibit me from publishing Sean Boushie’s name in a Tweet; all the TOP prohibits is this: “Respondent shall not post Petitioner’s name on liv.” Or “on lit.” I do not even know what “on liv” or “on lit” means. There is no evidence or testimony to show that www.lawlessamerica.com is my website. In Sean Boushie’s Petition for Temporary Order of Protection, he swore before a notary that my “wife was the legally registered owner.”

48. This sentence on Page 3 of the Affidavit is false and must be excised: “To date, control of the website www.seanboushie.com has not been released to Sean Boushie.” This is hearsay and deceptive. The TOP clearly shows www.seanboushie.co. There is no evidence that anyone ever requested release, or that it would be legal to do so prior to notice and an opportunity to be heard. In his witness interview, Sean Boushie stated that he never requested release.

49. This sentence on Page 3 of the Affidavit is false and must be excised: “On December 30, 2013, Windsor posted a video on his twitter account. The title reads “Bill Windsor is banned from the University of Montana and Sean Boushie. Corruption at its finest.” This is hearsay. There is no evidence or testimony to prove that I posted a video on Twitter. Twitter does not allow videos to be posted. There is no evidence or testimony to show that I have a Twitter account or that it was used by me at any time. There is no evidence that I did

anything on Twitter on December 30, 2013. There is no indication that a Tweet violated any order of protection.

50. This sentence on Page 3 of the Affidavit is false, hearsay, and must be excised: “On February 6, 2014, Claudia Denker-Eccles, Associate Counsel for the University of Montana, received an email from Bill Windsor [nobodies@att.net].” There is no evidence that I sent this email. Claudia Denker-Eccles stated at her witness interview that she received an email but had no proof as to who sent it. There is no indication that this violated any order of protection.

51. This sentence on Page 3 of the Affidavit is false and must be excised: “All five instances constitute individual violations of the Order of Protection.” There was no Order of Protection. The TOP had expired on September 16, 2013. None of the charges violated the TOP. No order of protection was attached to the Affidavit or Information.

52. My Constitutional rights under the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution were violated by the charges and my incarceration.

53. The affidavit filed in support of the information was insufficient because the alleged victim’s allegations were not corroborated. The entire investigative file did not contain sufficient information to support a probability that I had committed the offenses charged.

54. The alleged victim is a pathological liar. Evidence of this is in the investigative file, but Detective Chris Shermer conducted no investigation whatsoever as to the dishonesty of Sean Boushie or my honesty.

55. The Information erroneously cites MCA 40-4-121 as a statute that I violated. This is false as I was never involved in any proceeding for dissolution of marriage or for legal separation involving Sean Boushie.

56. A reasonably intelligent and prudent person would not believe that I have committed these alleged crimes.

57. Judge Karen Townsend was obligated to consider apparent facts discovered through logical inquiry that would lead a reasonably intelligent and prudent person to believe that I had committed a crime, thereby warranting my prosecution.

58. Judge Karen Townsend failed for the many reasons expressed in paragraphs 41 to 63 in the Motion to Dismiss for Lack of Probable Cause.

59. My rights have been severely violated. I have spent 134 days in jail. I have been out on bond for three months while awaiting trial, and my life has been interrupted for a year. I have been falsely accused in what I am confident is a deliberate effort to commit wrongdoing to damage me. Jennifer Clark swore to Judge Karen Townsend that I knowingly and purposely committed five crimes, but it was a false sworn pleading by Jennifer Clark. The Affidavit and Information contain deliberate falsehoods and reckless disregard for the truth. The false, inaccurate, and misleading statements in the Affidavit and Information must be excised, regardless of whether that information was included mistakenly, negligently, or intentionally. Once they are excised, the charges will not meet the probable cause standard. This Court is obligated to conduct a hearing on this Motion. The Court will then be obligated to dismiss the charges.

This 28th day of August 2015,

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

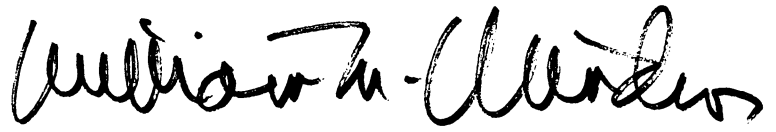
William M. Windsor

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.

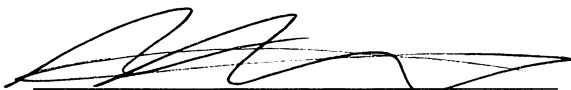
I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 28th day of August 2015.



William M. Windsor

Sworn and subscribed before me this 28th day of August 2015.



Notary Public

