

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.	§	MOTION FOR STAY
William Michael Windsor,	§	AND CONTINUANCE OF
Defendant.	§	PRE-TRIAL CONFERENCE

COMES NOW William M. Windsor, Defendant, and files this “Motion for Stay and Continuance of Pre-Trial Conference,” and shows the Court as follows:

INTRODUCTION

1. This cause is currently stayed due to an appeal to federal court. An additional reason for a stay now exists as William M. Windsor has been informed that the U.S. Attorney’s Office is considering making this a federal case. A Pre-Trial Conference was scheduled for August 21, 2015 prior to the stay. William M. Windsor is 12 hours away by Interstate highways, and he has not been planning to attend anything on August 21, 2015 due to the explicit terms of the Stay Order. He asks that the Court issue an order continuing the Pre-Trial Conference until after the stay is lifted or this cause is dismissed. He asks that the cause be stayed for an additional reason – the potential federal charges.

FACTUAL BACKGROUND

2. This case was stayed by order of this Court on June 8, 2015. The Order states: “No action will be taken until the Montana Supreme Court has ruled.”

3. The case was stayed again on June 23, 2015 due to an appeal to federal court of the Montana Supreme Court's ruling. The Third Order Staying Proceedings states: "On June 22, 2015, Defendant William M. Windsor ("Windsor") filed a Notice of Filing of Notice of Appeal (Doc. #81) signed by William Windsor on June 18, 2015. Thus, **future action in this cause is stayed.**" **[emphasis added.]**

4. A Pre-Trial Conference was scheduled for August 21, 2015 prior to the Third Order Staying Proceedings. This Court has never provided notice of the rescheduling of that conference. William M. Windsor is 12 hours away by Interstate highways, and he has not been planning to attend anything on August 21, 2015 because "future action in this cause is stayed."

5. On August 17, 2015, William M. Windsor traveled to Missoula for the jury drawing and for witness interviews that had not been previously scheduled by the State.

6. During the August 17, 2015 meeting at the Missoula County Attorney's Office, Missoula Police Department Detective Chris Shermer and Missoula County Attorney Jennifer Clark informed William M. Windsor that the U.S. Attorney's Office is now considering making this a federal case.

7. William M. Windsor spoke with the office of the Clerk of the Court of the U.S. District Court for Montana on August 17, 2015, and there has been no decision issued on the appeal.

ARGUMENT

A. THE PRE-TRIAL CONFERENCE SHOULD BE OFFICIALLY CANCELED.

8. William M. Windsor is obligated by his bail conditions to attend the Pre-Trial Conference. This cause is stayed, and he is not planning to travel to Missoula on August 21, 2015.

9. The Pre-Trial Conference may not be held as an appeal is still pending and as per the explicit terms of the Third Order Staying Proceedings. However, William M. Windsor respectfully requests an order confirming that cancellation so he is not at risk when he is not in Missoula on Friday.

B. THE CASE SHOULD BE STAYED FOR AN ADDITIONAL REASON.

10. An additional reason to stay now exists as the Missoula County Attorney's Office and Missoula Police Department have informed William M. Windsor that the U.S. Attorney's Office is considering making this a federal case.

11. If the U.S. Attorney has William M. Windsor indicted pursuant to a federal statute for violation of a protective order, this cause will have to be dismissed.

12. It doesn't make sense to move forward with this cause until that decision has been made.

WHEREFORE, William M. Windsor prays that this Court enter an order that:

- a. William M. Windsor's motion is granted;
- b. the Pre-trial Conference is canceled until the stay is lifted;
- c. this cause shall remain stayed until the last federal appeal by William M. Windsor is decided;
- d. this cause shall remain stayed until the U.S. Attorney's Office indicts William M. Windsor or advises that it will not pursue federal charges; and
- e. for such further relief as the Court feels is appropriate.

This 18th day of August 2015,



William M. Windsor

AFFIRMATION

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

This 18th day of August 2015.



William M. Windsor

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Jennifer Clark, Deputy County Attorney, and she opposes this motion.

This 18th day of August 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.

This 18th day of August 2015,



William M. Windsor