

REPORTER'S RECORD  
VOLUME 3 OF 3 VOLUMES  
TRIAL COURT CAUSE NO. 14-158  
APPEAL COURT CAUSE NO. 10-14-00401-CR

STATE OF TEXAS ) IN THE DISTRICT COURT  
VS. ) ELLIS COUNTY, TEXAS  
WINDSOR M. WILLIAM ) 443RD JUDICIAL DISTRICT

\*\*\*\*\*

MOTION TO WITHDRAW

AND

WRIT OF HABEAS CORPUS

\*\*\*\*\*

On the 19th day of December, 2014, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Judge Ermatinger, Judge presiding, held in Waxahachie, Ellis County, Texas;

Proceedings reported by machine shorthand.

## A P P E A R A N C E S

1  
2  
3 Mr. Patrick M. Wilson  
SBOT NO. 90001783  
ELLIS COUNTY DISTRICT ATTORNEY  
4 Ms. Martha Ann Montgomery-Moran  
SBOT NO. 24034586  
5 ELLIS COUNTY ASSISTANT DISTRICT ATTORNEY  
109 South Jackson Street  
6 Waxahachie, Texas 75165  
Phone: 972-825-5035

7  
8 ATTORNEY FOR THE STATE

9 Ms. Juanita Edgecomb  
SBOT NO. 24029529  
10 ATTORNEY AT LAW  
P.O. Box 3552  
11 Cedar Hill, Texas 75106  
Phone: 972-845-7131

12  
13 ATTORNEY FOR THE DEFENDANT  
14  
15  
16  
17  
18  
19  
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STATE'S EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>OFFERED</u>	<u>ADMITTED</u>	<u>VOL.</u>
None				

DEFENDANT'S EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>OFFERED</u>	<u>ADMITTED</u>	<u>VOL.</u>
None				

## 1 P R O C E E D I N G S

2 Friday, December 19, 2014

3 \*\*\*\*\*

4 THE COURT: Court will call Cause No.  
5 14-158, Ex Parte William M. Windsor, W-I-N-D-S-O-R.  
6 We'll have the parties announce who they are.

7 MR. WILSON: Patrick Wilson for the State.

8 MS. EDGECOMB: Juanita Edgecomb for the --  
9 Mr. Windsor and Mr. Windsor.10 THE COURT: Yes. I think the first motion  
11 we probably should heard -- hear is the Motion to  
12 Withdraw as Counsel. In agreement?

13 MR. WILSON: Yes, Your Honor.

14 MS. EDGECOMB: Yes, Judge.

15 THE COURT: Mr. Windsor?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Then, Ms. Edgecomb, I'll let  
18 you proceed.19 MS. EDGECOMB: Judge, I've spoken with  
20 Mr. Windsor, and per Mr. Windsor's request he's asked  
21 that I file a Motion to Withdraw in this case. He has  
22 elected to proceed pro se, and I discussed the options  
23 with him and he's -- this is his choice. So he said  
24 he's prepared to make the argument. Therefore, I'm  
25 asking to grant the Motion to Withdraw at this time.

1 THE COURT: Anything from the State?

2 MR. WILSON: No, Your Honor.

3 THE COURT: Mr. Windsor, this what you want  
4 to do?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Mr. Windsor, before I sign this  
7 I just want to go over just a few things with you. If  
8 that's all right with you, Ms. Edgecomb, I want to ask  
9 him a few questions. Let me swear you in.

10 (Witness sworn)

11 Thank you, Mr. Windsor. Are you wanting to  
12 represent yourself today on this hearing?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Mr. Windsor, I've gone over  
15 this with you a little bit before, but let me ask you  
16 again. How old are you?

17 THE DEFENDANT: 66.

18 THE COURT: I know you can read and write.

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: I have a feeling this is all  
21 your handwriting; is that correct?

22 THE DEFENDANT: That is my handwriting.

23 THE COURT: All right. Are you taking any  
24 medication, under any influence of anything where you  
25 might not be able to make a good decision for yourself?

1 THE DEFENDANT: No, Your Honor, I'm not.

2 THE COURT: Okay. Have you ever been  
3 adjudicated incompetent, ever been to a mental home or  
4 any mental disabilities?

5 THE DEFENDANT: No, Your Honor, contrary to  
6 what you might hear on the Internet.

7 THE COURT: I understand. Today we're here  
8 for your extradition hearing; is that correct? On the  
9 -- we're here for the 30 days now. Do you understand  
10 that?

11 THE DEFENDANT: Well, I'm hoping that we're  
12 here for Petition for Writ of Habeas Corpus on the  
13 Extradition.

14 THE COURT: You did file some motions, yes,  
15 sir. I do have those. Thank you.

16 Do you understand all the ramifications of  
17 representing yourself?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you believe that you can  
20 object? Do you know what objections are?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Do you believe that you  
23 understand the laws well enough to represent yourself?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: I don't know if there's going

1 to be any other witnesses, but if there were, do you  
2 know how to cross-examine or ask witnesses questions on  
3 direct?

4 THE DEFENDANT: Yes, Your Honor. As you  
5 may be aware, I represented myself in the civil case  
6 here in the 40th Judicial District Court.

7 THE COURT: Yes, you are -- yes, you have,  
8 with Judge Carroll, correct?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Are you familiar with the Texas  
11 Rules of Criminal Procedure?

12 THE DEFENDANT: Yes, I am, Your Honor. The  
13 -- I have, however, not been allowed any access to the  
14 law library or any of the rules for -- since December  
15 2nd. So I'm at a little bit of a disadvantage there,  
16 but I have well researched the issues to discuss here  
17 prior to that time.

18 THE COURT: Well, then I find that  
19 Mr. Windsor knowingly and voluntarily waived his right  
20 to counsel. I will grant your Motion to Withdraw. I  
21 will let Mr. Windsor proceed on his own.

22 MS. EDGECOMB: Thank you, Judge.

23 THE COURT: You're welcome.

24 MS. EDGECOMB: Thank you, Judge.

25 THE COURT: You're welcome. Would you like



1 a copy of this?

2 MS. EDGECOMB: No, Judge.

3 THE COURT: All right.

4 MS. EDGECOMB: Thank you.

5 THE COURT: Okay. I will put it in the  
6 Court's file.

7 Mr. Wilson, would you like a copy?

8 MR. WILSON: Yes, Your Honor.

9 THE COURT: Mr. Wilson and Mr. Windsor,  
10 what would you-all like to proceed on first?

11 MR. WILSON: I think -- well, just the only  
12 thing I have to present, Your Honor, is just the  
13 extradition matter itself. Give you an update on that  
14 if you'd like that.

15 THE COURT: Yes, I would like to hear that.

16 MR. WILSON: This is the 30-day hearing as  
17 you previously stated. We do not have the governor's  
18 warrant as of this date. I can tell you the status of  
19 that.

20 Two days ago -- I've been in communication  
21 with the Missoula, Montana prosecutor's office two days  
22 ago. I received a message from that office stating  
23 that -- let me back up. On the 15th I had a  
24 conversation with the Missoula, Montana Gov --  
25 prosecutor's office. The paperwork had -- their

1 paperwork had been presented to the Montana Governor's  
2 Office. Montana Governor's Office then contacted the  
3 prosecutor's office to ask for some sort of  
4 clarification or modification or some kind of a change  
5 in that paperwork and resubmitting it. I then received  
6 a message on the 17th of this month that the Montana  
7 Governor's Office should receive the paperwork on that  
8 date. That is two days ago. I tried to call the  
9 Governor's Office -- the Montana Governor's Office  
10 yesterday. The individual I needed to speak with was  
11 unavailable. I then called again at 9:08 our time this  
12 morning, which is 8:08 Montana time, and I left a  
13 message for that individual and frankly, I've left my  
14 cell number and asked them to call me back immediately  
15 if they get that message.

16           So I would like to give the Court a  
17 heads-up that if they call, can I be excused to take  
18 that call and give you an update on that?

19           THE COURT: Yes, of course.

20           MR. WILSON: We are entitled -- under the  
21 Texas Code of Criminal Procedure we are entitled to --  
22 up to an additional 60 days at this point. You can  
23 either set -- well, a bond has been set for him. So you  
24 can either extend it or he can be discharged. I would  
25 ask you to extend this up to 60 days. It's my

1 understanding that once the Governor's Office is -- in  
2 the two states, get involved that the process goes  
3 pretty quickly, but that's just a general understanding  
4 that I have. I can't make any specific representations  
5 as to how much longer it will be at this point.

6 And I will just point out again for the  
7 record that a bond has been set for Mr. Windsor. It was  
8 set on October 29th in the amount of \$100,000.

9 THE COURT: And --

10 MR. WILSON: That's them, Your Honor.

11 THE COURT: Oh, sure.

12 MR. WILSON: That's Montana --

13 THE COURT: Then we'll --

14 MR. WILSON: May I be excused?

15 THE COURT: -- go off the record. Yes.

16 (Break in proceedings)

17 THE COURT: Yes, Mr. Wilson?

18 MR. WILSON: That was the Montana  
19 Governor's Office. They have received the -- the proper  
20 paperwork from Missoula, Montana. They received it  
21 yesterday, and obviously the Montana Governor's Office  
22 is much smaller than ours because while I was on the  
23 phone with her she said, oh, my boss just came in, which  
24 is the Governor. So she'll be able -- so she'll be able  
25 to get him to sign that paperwork today and ship it out

1 to our Governor's Office today. She's going to call the  
2 Texas Governor's Office and give them a heads-up that  
3 this is coming to try and expedite this as much as  
4 possible. She said the paperwork gets sent FedEx is  
5 what she said. So that's the status of the governor's  
6 warrant, and we're asking for an extension based on  
7 that.

8 THE COURT: And by your calculations what  
9 is your 90 day -- what do you show to be the 90-day end  
10 of time limit?

11 MR. WILSON: Excuse me. Let me -- give me  
12 a second.

13 THE COURT: Sure.

14 MR. WILSON: I have not figured that.

15 I show, according to my math, January 25th,  
16 which is a Sunday. So I would ask for a date no later  
17 than January 23rd, Friday, and the moment that we get  
18 this paperwork, we will request a hearing sooner than  
19 that.

20 THE COURT: So January 25th is the 90th  
21 day?

22 MR. WILSON: According to my math, yes,  
23 Your Honor.

24 THE COURT: And are you going from the  
25 October 29th or the 28th when --

1 MR. WILSON: 28th.

2 THE COURT: Okay.

3 MR. WILSON: She believes -- the woman I  
4 spoke with in Montana believes that at this point it  
5 shouldn't take no more than a couple of weeks to get  
6 this. It's a matter -- it's a matter of expediting --  
7 excuse me, FedExing some paperwork to Texas, tracking  
8 down the Texas Governor, having him sign some paperwork  
9 and presumably forwarding it to us and returning it the  
10 Montana.

11 THE COURT: Mr. Windsor, would you like to  
12 respond to Mr. Wilson's argument?

13 THE DEFENDANT: Yes. First or last, it's  
14 not quite so simple with the governor. I have written  
15 the governor a letter. I've actually written him four  
16 times. Other people have also contacted him and I've  
17 contacted the Texas Attorney General and asked him to  
18 investigate and I've asked him to use an investigator  
19 other than somebody in Ellis County in order to look  
20 into this matter, the wide variety of violations of the  
21 law, and the fact that there isn't anything valid for  
22 Montana in the first place. So hopefully the governor  
23 will do that investigation.

24 This is not the 30th day. This is the 53rd  
25 day, Your Honor, and as Mr. Wilson was kind enough to

1 calculate the 90th day for us it establishes that. The  
2 first day was the 28th of October. The 90th day that  
3 he's provided is January 25th. So if you back into  
4 that, today's day 53.

5 MR. WILSON: That's correct, Your Honor. I  
6 erroneously calculated those days. I should have  
7 calculated from the date that he was brought in here,  
8 which was on November 21st. So this is the 30-day  
9 hearing from that point. So let me recalculate.

10 THE DEFENDANT: There's nothing in Article  
11 51 of the Texas Code of Criminal Procedure that provides  
12 that the date is calculated from the time that a hearing  
13 is held before you or anyone else, Your Honor. The date  
14 should be calculated from the date that I appeared  
15 before a magistrate, which was the 29th I guess.

16 We're -- there was no request made to  
17 extend at the 30-day point. I have attempted to appear  
18 before you for over a month now and appreciate the fact  
19 that I finally have the opportunity. Probably the best  
20 thing to do at this point, Your Honor, would be -- I  
21 would suggest lump this into my Petition for Writ of  
22 Habeas Corpus and let me just kind of get the general  
23 overview and then you can decide what's -- what's  
24 appropriate.

25 THE COURT: Mr. Wilson, are you all right

1 with that? Let him go ahead and start --

2 MR. WILSON: I think it's going to happen  
3 whether we want that to or not, Judge, so we might as  
4 well.

5 THE COURT: Mr. Windsor, I will hear your  
6 writ.

7 THE DEFENDANT: Okay. Your Honor, I  
8 apologize for the last hearing being cut short. It was  
9 cut short as a result of surprise from the District  
10 Attorney.

11 Have you had a chance to review the First  
12 Amended Petition for Writ of Habeas Corpus?

13 THE COURT: Was it in the packet I got  
14 yesterday?

15 THE DEFENDANT: It was filed -- when was it  
16 filed?

17 THE COURT: Right here?

18 THE DEFENDANT: Yes.

19 THE COURT: Filed December 17th of 2014?

20 THE DEFENDANT: Sounds right.

21 THE COURT: Yes.

22 THE DEFENDANT: I've got a number of  
23 exhibits, and I wanted to call your attention to  
24 Exhibits A, B and C --

25 THE COURT: All right.

1 THE DEFENDANT: -- which are kind of maybe  
2 midway in the stack.

3 THE COURT: Uh-huh.

4 THE DEFENDANT: My writ states the -- that  
5 the law, why I must be released and discharged today.  
6 It contains an affidavit from me which outlines the  
7 facts. As long as that affidavit is acceptable as  
8 facts, I won't ask you to swear me in, even though I  
9 think maybe I already am, in order to present those.

10 THE COURT: I think -- I did swear you in.

11 THE DEFENDANT: Yes.

12 THE COURT: Okay.

13 THE DEFENDANT: So I would just say that  
14 everything that I -- that I have in this affidavit that  
15 was filed with the writ, I swear is true and correct  
16 under penalty of perjury, and I don't want to take the  
17 Court's time to go through it again, but it details  
18 what's happened from right before I was detained up  
19 until a few day ago.

20 THE COURT: Yes, sir.

21 THE DEFENDANT: When I appeared for you --  
22 before you on November 21st, Assistant District  
23 Attorney, I believe his last name is Heffernan, gave the  
24 Court and me, quote, everything in the D.A.'s file, end  
25 quote. The court reporter would be able to confirm this



1 by looking back at the transcript. He gave us Exhibits  
2 A, B and C. Now, these are important because we need to  
3 compare these documents to Article 51 of the Texas Code  
4 of Criminal Procedure.

5 D.A. Patrick Wilson told the Court on  
6 December 4th that there's something in a hidden file  
7 somewhere that says I committed a crime in Montana on  
8 December 30th, 2013, fled from Montana and became a  
9 fugitive from justice. Now, this is really important  
10 because Article 51 has essentially kind of two different  
11 sets of statutes, and one is very specific relative to  
12 fugitives from justice. They both address that issue,  
13 but one is very specific to that.

14 This fleeing from justice on December 30th,  
15 2013 is not on any of the Exhibits A, B and C, the three  
16 documents that Assistant District Attorney Heffernan  
17 said was the entire file. It's never been disclosed to  
18 us. It isn't true. It threw Ms. Edgecomb for a loop.  
19 I've never committed any crime. I've been in the Dallas  
20 area essentially since I arrived here on August 31st,  
21 2013, was not in Montana on December -- in December  
22 30th, 2013 or any time in 2014, and I'm not a fugitive.  
23 They've got the wrong person. If there was someone  
24 there named Windsor, William who committed something on  
25 December 30th 2013, it wasn't me.

1           THE COURT: Mr. Windsor, let me stop you  
2 right now. You know I can't hear this Montana case, and  
3 the State at the 90-day hearing, that's when they have  
4 to -- once they get the governor's warrant and  
5 everything's here they have to then show that you're one  
6 in the same.

7           THE DEFENDANT: Right. I understand that  
8 that's part of what takes place at that particular  
9 hearing, but it's also relevant today because when you  
10 look at Exhibits A, B and C you will see that I was  
11 illegally detained, arrested or whatever you want to  
12 call it. I don't believe I've been arrested. I believe  
13 I've simply been detained, and so I would like to kind  
14 of walk you through that.

15           THE COURT: Okay.

16           THE DEFENDANT: You know I will say that  
17 Montana has -- if they're talking about me, has  
18 fabricated charges. The Ellis County Sheriff's Office  
19 and District Attorney have falsely arrested me, have  
20 illegally incarcerated me, have illegally denied bond to  
21 me, and illegally refused to discharge me.

22           They've done all this with complete  
23 knowledge that their actions and inactions were illegal.  
24 I've written to the sheriff, I've written to the  
25 District Attorney. They've, of course, ignored what

1 I've -- what I've communicated to them. There's even a  
2 question of whether or not the clerk of the court and  
3 Bob Carroll may have somehow participated in the  
4 wrongdoing. I began my efforts to get this hearing over  
5 a month ago. I've studied the law. I know a lot about  
6 it.

7           As I said, I believe there's essentially  
8 kind of two extradition statutes within Article 51.  
9 51.1 to 51.12 and then 51.13 and its many statutes  
10 comprises the Uniform Criminal Extradition Act, which  
11 happens to be the only extradition act that exists in  
12 the State of Montana. They had no separate statutes  
13 other than the same thing that Texas has with 51.13,  
14 which is the Uniform Criminal Extradition Act. When you  
15 examine this case under each of the statutes, the result  
16 is the same; illegal arrest, illegal incarceration,  
17 illegal denial of bond, and illegal refusal to discharge  
18 me.

19           If you would look at 51, while we look at  
20 A, B and C, I'll explain the reasons why last night, the  
21 52nd night in jail, should have been my last. Article  
22 51.01 is delivered up. It requires that I had to have  
23 fled from justice in Montana. The D.A.'s documents say  
24 no such thing; A, B and C. The bench warrant says no  
25 such thing, that's Exhibit A. In fact, when you look at

1 the bench warrant it only talks about something  
2 happening in a county within the State of Montana. It  
3 doesn't refer to Texas or anywhere else in the United  
4 States. It talks about another county in Montana.

5 I arrived in Dallas on August 31st, 2013.  
6 I was here -- or there awaiting surgery. On December  
7 5th, 2013 I flew to Atlanta, drove a truck back to  
8 Dallas with my legal files and some household goods. I  
9 arrived about 2 a.m. on December 8th. That is when we  
10 had the horrendous ice storm. I slipped on the ice,  
11 suffered a fractured skull, was in Baylor Hospital in  
12 intensive care, lost all the hearing in my right ear. I  
13 didn't leave Dallas until April, 2014. I didn't fly on  
14 an airplane --

15 MR. WILSON: Judge, at this point I'm going  
16 to object. Mr. Windsor -- I don't know if he's  
17 testifying or if we're having argument. But if he's  
18 testifying he needs to get on the witness stand so that  
19 I can cross-examine him about any evidence he's trying  
20 to offer. I don't have a problem if he's making  
21 arguments, but he's now getting into testimony. As  
22 such, he's subject to cross-examination.

23 THE COURT: I just -- I thought he was  
24 giving his arguments. I think he's going through what  
25 he's saying -- but you will be able to address it here in

1 just a moment, Mr. Wilson.

2 MR. WILSON: Thank you, Your Honor.

3 THE COURT: Continue on, Mr. Windsor.

4 THE DEFENDANT: Okay. I did on December  
5 26th drive to Waxahachie to file my civil -- civil  
6 lawsuit in the 40th Judicial District Court. I can  
7 prove my whereabouts in December. I can prove my  
8 whereabouts from August 31st pretty much through just  
9 about any day, I would hope, in 2014 to prove that I  
10 wasn't in Montana and I -- I wasn't there.

11 Fugitive is defined in Article 51 as  
12 someone who commits a crime in a state and then leaves  
13 that state to go to another state. I'm not a fugitive,  
14 so it's not me. The bench warrant provides no  
15 identification of the accused. It's a name shared by  
16 many people including a number of Texans, at least two  
17 others that I know in Dallas alone and Prince William.

18 Next is article 51.02 called To Aid In  
19 Arrest. It authorized Texas peace officers to aid in  
20 the arrest and detention of the fugitives from another  
21 state. Well, I'm not a fugitive, so there was no  
22 authority to arrest or detain me.

23 Article 51.03 is the Magistrate's Warrant.  
24 It requires a complaint to be made to a magistrate  
25 saying that I'm a fugitive from justice in Montana. The

1 Texas magistrate was to issue a warrant of arrest  
2 directing a peace officer to apprehend me. Your Honor,  
3 there's no complaint. There's no warrant of arrest. If  
4 you look at A, B and C there's no such thing. I'm not a  
5 fugitive. The Montana bench warrant is not a Texas  
6 Magistrate's Warrant of arrest as required by Article  
7 51. I have been detained and held without legal  
8 authority to do so.

9           Next is 51.04. It discusses the complaint.  
10 It must recite my name, state from which I fled, the  
11 offense committed by me, that I fled from Montana to  
12 Texas, that the act I'm alleged to have committed is a  
13 violation of the Penal Code of Montana. If you look at  
14 A, B and C there's no complaint. There's nothing to  
15 identify me. I wasn't in Montana. There's nothing in  
16 the bench warrant even that says I fled from Montana to  
17 Texas. There's nothing in the bench warrant that says  
18 I'm alleged to have violated the Penal Code of Montana.  
19 The Affidavit of Probable Cause which is Exhibit B, Your  
20 Honor, is signed by the Ellis County Sheriff's deputy  
21 who is the one that met me as I left Judge Carroll's  
22 courtroom on October 28th. He didn't know who I was.  
23 He didn't know anything about me except the similarity  
24 of names in the bench warrant.

25           The Affidavit of Probable Cause, Exhibit B,

1 does not say that I fled from Montana to Texas. There's  
2 nothing in the Affidavit of Probable Cause that says I'm  
3 alleged -- quote, alleged to have violated the Penal  
4 Code of Montana, end quote. In fact, if you look at it,  
5 this is Exhibit B, Your Honor, it says that I committed  
6 a misdemeanor that's against the laws of the State of  
7 Texas. I have no protective order in Texas. I  
8 certainly didn't violate one. I didn't commit any  
9 misdemeanor in Texas.

10           The Affidavit of Probable Clause -- Cause  
11 is blank where the warrant information is supposed to  
12 be. The affidavit is worthless. The Affidavit of  
13 Probable Cause does not have the attached Teletype  
14 confirmation report that is required and shown in  
15 boldface type just above the place where the date is  
16 shown. The Affidavit of Probable Cause is worthless.  
17 I've been incarcerated without legal authority.

18           51.05, Bail Or Commitment, required that I  
19 be brought before a magistrate who is to hear proof, and  
20 if satisfied that I was charged in another state with  
21 the offense named in the complaint, the magistrate was  
22 to set bond in reasonable amount to appear before him at  
23 a specified time, not before some judge in Montana or  
24 Poughkeepsie. Before him at a specified time. There  
25 was supposed to be a properly certified transcript of an

1 indictment against me that would be sufficient to show  
2 that I was charged with a crime alleged.

3           Well, I wasn't taken before a magistrate in  
4 that manner. I was taken before a justice of the peace  
5 who acted as a magistrate and what he filled out was --  
6 is Exhibit C. It's basically kind of an information  
7 form. He did say bail was set at \$100,000. They did --  
8 they said I was the person warned. I signed it. There  
9 is a signature that we can't quite make out for  
10 magistrate. It looks like it might be Story, but I  
11 can't tell and I've attempted to try to find out who  
12 that is and actually written to all of the justices of  
13 the peaces and asked them to respond to me to let me  
14 know whether they were the ones who did it.

15           The magistrate made no inquiries as to my  
16 identity whatsoever. The magistrate did set the  
17 \$100,000 bond. The document states that he's a Texas  
18 magistrate. So if 51.05 applies, the bond was to  
19 require me to appear before the Texas magistrate at a  
20 specified time. None of which was specified. A Montana  
21 bond can't do that. There is no indictment. There's no  
22 certified transcript of indictment. There's nothing --  
23 nothing sufficient to show that I'm charged with the  
24 crime alleged. In fact, this document, very important,  
25 down at the bottom, Probable Cause Determination and --



1 there's one other spot on here. Go back to my notes  
2 rather than try and find it on the document. There is  
3 --

4 THE COURT: Another one right by here where  
5 it says bond is set at -- it has typing of what the...

6 THE DEFENDANT: The magistrate's document  
7 has an unsigned probable cause statement at the bottom.  
8 So the magistrate did not find probable cause. No facts  
9 have been presented to him under oath which is what's  
10 required under Article 51. There had to be something  
11 presented from Montana under oath. There's nothing.  
12 We've got a -- got a -- a bench warrant which is nothing  
13 under oath whatsoever. I've been illegally detained,  
14 illegally denied bond repeatedly. I've requested bond  
15 and release on a daily basis.

16 If Ellis County claims that the arrest was  
17 pursuant to the Uniform Criminal Extradition Act,  
18 Article 51.13, then it means that Section 14 applies.  
19 Section 14 says arrest without a governor's warrant. I  
20 think it's clear there is no governor's warrant in this  
21 case. Says that I could be arrested upon reasonable  
22 information, that I stand charged in the courts of  
23 Montana with a crime punishable by death or imprisonment  
24 for a term exceeding one year. But when so arrested I  
25 was, quote, to be taken before a judge or magistrate

1 with all practicable speed and complaint must be made  
2 against him under oath setting forth the ground for  
3 arrest, end quote. My answer was to be heard. None of  
4 that was done when I appeared before the justice of the  
5 peace. What they did, Your Honor, was simply do what  
6 they do with everybody who gets arraigned. They either  
7 don't know what they're doing with somebody who's an  
8 extrada -- extradition case because they just keep  
9 claiming it's Montana, it's Montana. I went before this  
10 person who just arraigns people and stamps things and  
11 hustles people right on through with a general reading  
12 of their rights and telling them what it is.

13           In this case, Article 51 is the only  
14 statute that applies relative to what is supposed to be  
15 done in extradition. The magistrate didn't know what to  
16 do and didn't do it and so I've been here for 53 days  
17 now exposed to Staph, MRSA, tuberculosis and herpes that  
18 I know of so far, plus some really crazy people and my  
19 life just kind of crumbled in the process. I guess none  
20 of that really matters, but it is kind of the background  
21 to what we're all talking about here. This is not just  
22 a case where somebody hasn't gone by the rules. It's a  
23 case where somebody's life has been ripped upside down  
24 and nobody will pay attention to what the law provides.

25           There's nothing under oath. I wasn't

1 arrested. I was never read my rights when I was picked  
2 up. This is stated in the -- the affidavit. They just  
3 took me. So I wasn't read my rights until I appeared  
4 before the magistrate. I was mug shotted and  
5 fingerprinted. I have been frisked the first time in my  
6 life and the hundredth time. I've worn handcuffs dozens  
7 of times, but I was never arrested. It was October  
8 29th, there was no complaint made under oath. There was  
9 no explanation from the magistrate at all, other than it  
10 was something from Montana.

11           It indicates in the Article 51 these things  
12 are supposed to be recorded or videotaped. There was  
13 nothing done. The magistrate's document says,  
14 affidavits charging you with these offenses has not been  
15 filed in this court. This is on Exhibit C. The  
16 magistrate says there's no affidavit. So no probable  
17 cause, no affidavit. The affidavit is required by these  
18 rules. I've been incarcerated illegally.

19           Article 51.13, I'm getting near the end,  
20 Commitment to Await Requisition and Bail. This section  
21 clearly states that the magistrate was to commit me,  
22 quote, to the county jail for such time not exceeding 30  
23 days. This was on October 29th, 30 days. Goes on to  
24 say, quote, as will enable the arrest of the accused to  
25 be made under the warrant of the governor. That's the

1 Governor of Texas. Whatever happens in Montana doesn't  
2 matter. What matters is when we have something done --  
3 if something is ever done by the Governor of Texas.

4           This is day 53. I was detained on the  
5 28th. I appeared on the 29th. This is day 53. The  
6 District Attorney gave false information to the Court  
7 saying 30 days begins at a later date. It's absolutely  
8 false. There is case law to this affect. Unfortunately  
9 I was not able to get back to the law library in order  
10 to pull the very specific case that talks about it being  
11 30 days from when you have, in essence, your arraignment  
12 or whatever after you're first brought in, and that case  
13 says that this is a hard-and-fast rule. It's very  
14 specific as to the 30 days.

15           The only case -- and there's another case  
16 that says if the accused does something to delay the  
17 process then that 30 days won't apply. I told the  
18 people in the booking area the minute I got there that I  
19 had absolutely no intention of waiving my rights as far  
20 as extradition. I told you that obviously when I met  
21 you, and when Mr. Heffernan appeared before you, and  
22 again the transcript from the court reporter will verify  
23 this, he told us both that Montana was already working  
24 on the governor's warrant paperwork. So there was  
25 certainly nothing ever done by me to -- to -- to delay

1 the process. I was clear from day one. Montana was  
2 already working on it. It's day 53. I can't wait for  
3 you to release me.

4 Article 51.13, Section 16, Bail. This  
5 states that a judge or a magistrate in Texas may admit  
6 me to bail by bond, conditioned upon appearance before  
7 him at times specified. This is a Texas bond situation,  
8 not a Montana bond. I have reviewed approximately one  
9 hundred Texas Appellate Court decisions on extraditions.  
10 Not a single solitary one has a bond from anywhere other  
11 than Texas. There is a very specific case. Drake  
12 versus Spriggs, which I feel is exactly on point. It's  
13 number 13-03-429-CV, Texas Appellate District Thirteen,  
14 12/14/2006, footnote number four. This was a case  
15 involving Aransas County I believe it is, Aransas Pass  
16 somewhere in Texas and Colorado. They refused to give  
17 the guy a bond in Texas and the Court -- the Appellate  
18 Court said he should have been given a bond in Texas.  
19 They messed up.

20 There is absolutely nothing anywhere in  
21 Texas law, that I've been able to find or been able to  
22 have other people attempt to find, including  
23 Ms. Edgecomb, to indicate that a Texas magistrate has  
24 any authority whatsoever to order an out-of-state bond.  
25 A Texas magistrate has no such jurisdiction. I don't

1 think there's any judge anywhere in Texas that has  
2 jurisdiction to order bonds in Montana. I don't believe  
3 there's anybody in Montana that has any jurisdiction or  
4 authority to indicate anything to be done in Texas. It  
5 certainly applies completely in the face of what the  
6 extradition laws are all about. If you stop to think  
7 about it if I had agreed to a Montana bond, I completely  
8 waived my right to fight extradition. I waive my right  
9 to have a habeas corpus. I would be agreeing to a bond  
10 where I would have to appear in Montana. It just  
11 doesn't work that way.

12                   You know I've suffered a lot. My family  
13 won't talk to me anymore. They wouldn't even answer my  
14 telephone calls. I've been -- you talk about  
15 desperation. Sit down there and the only two phone  
16 numbers you know in the world are your son and your  
17 ex-wife, and they won't take your call. I spent like  
18 three or four days down in booking before I was ever  
19 sent to a cell because I couldn't -- couldn't reach  
20 anybody.

21                   I doubt that I'll ever have a relationship  
22 with any of my family members ever again, and that's due  
23 to the defendants we have in the civil case. Several of  
24 them are back here in the back. The leading culprit is  
25 in the far back, this gray-haired gentleman back here.

1                   Why in the world the Sheriff's Department,  
2 the District Attorney wouldn't sit with me and look  
3 through Article 51 and look through the documents and  
4 see exactly what they provide is really beyond  
5 comprehension. I suspect that they've done this to  
6 other people who have been involved in extraditions and  
7 so one of the things that I hope that comes out of this  
8 is they go issue an order that'll explain to these folks  
9 what's involved in extradition and that they change  
10 their procedures so that other people don't have to go  
11 through this.

12                   I've been denied the access to computers of  
13 the law library, any access at all. And so if you for  
14 some strange reason don't bid me a fine farewell and a  
15 Merry Christmas and let me go home today, I would ask  
16 that you issue an order -- because they're not going to  
17 let me have any access. They told me point blank,  
18 Lieutenant Cooper, unless there's a specific court order  
19 ordering him and we can discuss that later if we need  
20 to.

21                   The bond amount, never committed a crime,  
22 don't have a traffic or parking ticket in 14 years,  
23 never been in a jail before this except as a tourist at  
24 -- to jails around the country. I was actually a bail  
25 bondsman in college. So I did go bail some people out,

1 Texas Tech students in Lubbock.

2           Mr. Wilson stood here and told you that he  
3 couldn't find any information on me other than Marietta,  
4 Georgia or South Dakota. He sat in the back of the  
5 courtroom in Judge Carroll's court with the sheriff in  
6 the civil trial before Judge Carroll where he's -- he's  
7 an attorney. He certainly knows that you have to cite  
8 ever single document with an address and a place to  
9 live. He could have walked out here in the hall and  
10 hollered real loud, Does anybody know Bill Windsor's  
11 address? There are at least eight, ten, twelve people  
12 here in the courthouse who know how to find me. I've  
13 been here off and on repeatedly over the last year.

14           Why is he even here instead of some  
15 assistant? Why don't we have, you know, a regular like  
16 assistant district attorney? Why am I facing the  
17 District Attorney? It's probably -- probably something  
18 more than meets the eye, Your Honor. But I guess none  
19 of that really matters to you. What matters to you is  
20 what the law is and what my petition asks for. And if  
21 you for some reason feel that there needs to be some  
22 type of bond issue, then let's discuss the amount. You  
23 know I'll come back here and appear any time. A  
24 personal recognizance bond would be find. I desperately  
25 need to get out for a while to try and move some things



1 into storage and make some plans. I have absolutely no  
2 one to do any of that for me. I had a woman who was  
3 helping me, but somebody at the District Attorney's  
4 office or the jail gave the personal property receipt  
5 that she signed and her driver's license and they  
6 published it on the Internet. She's been physically  
7 stalked. She's no longer willing to help me at all.  
8 She's scared to death. So I don't really have anybody.  
9 And I have filed an appeal of your decision on December  
10 4th with which you said bond was denied. That's all  
11 that I appealed, and that's before the -- the Tenth  
12 Court of Appeals.

13 THE COURT: Yes.

14 THE DEFENDANT: Your Honor, I don't believe  
15 the District Attorney can say anything that's going to  
16 defeat all of these documents that don't provide for a  
17 proper arrest. The fact that the 30 days has past,  
18 couldn't we just end the misery and let me go home?  
19 That's what I would request, Your Honor.

20 THE COURT: Thank you, Mr. Windsor.

21 Mr. Wilson?

22 MR. WILSON: May I ask him a couple of  
23 questions, Your Honor?

24 THE COURT: Yes, you may ask him a couple  
25 of questions.

1 I'm okay with Mr. Windsor sitting right  
2 there.

3 MR. WILSON: Fine, Your Honor.

4 THE COURT: Okay.

5 WILLIAM WINDSOR,  
6 having been first duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. WILSON:

9 Q. What is your address?

10 A. Post Office Box 150325, Dallas, Texas 75315.

11 Q. What is your physical address?

12 A. Marriott Hotel in Richardson, Texas.

13 Q. What is that address?

14 A. I don't know that.

15 Q. That's not an address that's reflected on any  
16 identification you have, is it?

17 A. Probably not.

18 Q. What is the South Dakota address that you had?

19 A. South Dakota is my official legal permanent  
20 address.

21 Q. In fact, that's nothing more than a mail  
22 forwarding service, correct?

23 A. No, not exactly.

24 Q. Have you ever resided in South Dakota?

25 A. Yes.

1 Q. When did you physically reside in South Dakota?

2 A. Sometime during 2013 and again in 2014.

3 Q. Do you have specific dates?

4 A. I could get them if I have access to my files  
5 and computers.

6 Q. When did you reside in Georgia?

7 A. From about April 1st, I think it would be, 2001  
8 until April 4th, 2013.

9 Q. So your only Texas physical address that you  
10 claim is a hotel in Richardson; is that correct?  
11 Marriott; is that correct?

12 A. Sure. I guess that's correct.

13 Q. You don't know the address of that?

14 A. You know it's Spring Valley and Central. It's  
15 actually off on a little -- kind of a side street.

16 Q. Do you have a room that you're paying for at  
17 that hotel?

18 A. Not currently.

19 Q. So in fact, you don't have an address there in  
20 Richardson; is that correct?

21 A. You asked me for an address and that's the  
22 address that I gave you and I have been -- had my life  
23 threatened --

24 Q. All right. That's not what I asked, sir. So  
25 the only physical address in the State of Texas that you

1 have at this point in time is the Wayne McCollum  
2 Detention Center here in Ellis County, correct?

3 A. That is a temporary address, yes.

4 Q. You have no other address in the State of  
5 Texas?

6 A. I have another address in the State of Texas.

7 Q. What is that address?

8 A. I have given you the name of the hotel.

9 Q. So that's -- that's where you will reside if  
10 you're not in jail in Ellis County?

11 A. That's correct.

12 Q. The hotel in Richardson?

13 A. That's correct.

14 MR. WILSON: Your Honor, I don't have any  
15 more questions for him. May I call a witness?

16 THE COURT: Yes, you may.

17 MR. WILSON: I call Michael Tobey.

18 THE COURT: Come right up here.

19 Raise your right hand. Swear you in.

20 (Witness sworn)

21 Thank you very much. Take a seat.

22 MICHAEL TOBEY,

23 having been first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. WILSON:

1 Q. Will you state your name for the record please.

2 A. Michael Tobey.

3 Q. And you're a deputy with Ellis County Sheriff's  
4 Office?

5 A. Yes, sir.

6 Q. Deputy Tobey, are you the one that took the  
7 defendant into custody on October 28th, 2014?

8 A. Yes, sir, me and another deputy did.

9 Q. And were you on duty here in the courthouse  
10 when you were called to this courtroom to take him into  
11 custody?

12 A. Yes, sir.

13 Q. And prior to taking him into custody or taking  
14 him to jail did you confirm a warrant for his arrest?

15 A. Yes, sir, I did.

16 Q. Do you recall from what state that warrant was?

17 A. Missoula County.

18 Q. Montana?

19 A. Montana, correct.

20 Q. And was there a felony warrant for his arrest?

21 A. Three felony warrants, two misdemeanors.

22 Q. And you took him over to the -- to the jail  
23 right down the street and -- and handed him over to  
24 book-in process?

25 A. Correct.

1 Q. Now, during the book-in process did the  
2 defendant make any statements to you about bail or his  
3 ability to make bail?

4 A. He did.

5 Q. Would you please convey that to the Court?

6 A. Montana had a preset bond on the Teletype  
7 confirmation of \$100,000. If I remember right it was  
8 25,000 for each offense -- or 20,000 for each offense.  
9 Mr. Windsor asked for sure was that the bond amount. We  
10 read the Teletype to him, explained to him that was the  
11 correct bond, was the \$100,000. He asked me if he could  
12 make his own bond. I said, I believe so. I knew the  
13 jail had a new kiosk machine, so to say, that defendants  
14 can put money on their own books, pay their own fines,  
15 post their own bonds to get out. I wasn't for sure  
16 exactly how it worked. Mr. Windsor asked me could he  
17 post that on a credit card. I said I would have to  
18 check. I went down to the book-in area where the actual  
19 book-in officers work, not where we book people in, and  
20 asked Lieutenant Coleman, who is the lieutenant in the  
21 jail, if that could in fact take place, and he advised  
22 me that it could. So I went back and told Mr. Windsor  
23 as long as his credit card company would allow it, he  
24 could swipe his card through that new machine and post  
25 his own bond.

1 Q. Did he say anything in response to that?

2 A. At that time that was his wish that he was  
3 going to do that. When we got back to the other end --  
4 where we book people in is around the corner where the  
5 deputies actually sit and work on the computer to  
6 process them in and then where the detention staff sits  
7 is probably -- it's around the corner at least a hundred  
8 feet down the hallway. When we got back around there  
9 Coleman, I believe he told Mr. Windsor -- just spoke out  
10 loud that as long as the credit card company would  
11 accept the charge that he could post the bond on his  
12 credit card and Mr. Windsor made the comment something  
13 to the affect of if not, he could call them. He could  
14 make a phone call.

15 Q. So did he indicate he was not going to have a  
16 problem making that \$100,00 bond?

17 A. That's the way it was when I left the jail.

18 Q. Is that the impression you were left with?

19 A. Correct.

20 MR. WILSON: Pass the witness.

21 THE COURT: Mr. Windsor, you may cross.

22 THE DEFENDANT: Okay. May I sit here?

23 THE COURT: Of course.

24 CROSS-EXAMINATION

25 BY THE DEFENDANT:

1 Q. Deputy, were you the deputy who prepared the  
2 Affidavit of Probable Cause?

3 A. No, sir.

4 Q. Okay. Who was that?

5 A. Deputy Overcash.

6 Q. And so did you sit with me during that  
7 process --

8 A. No.

9 Q. -- when he was preparing that?

10 A. No, sir, Deputy Overcash did.

11 Q. When you and several other Ellis County's  
12 finest sheriff's deputies met me in the elevator was I  
13 ever told that I was under arrest?

14 A. Yes, sir.

15 Q. Do you have any way to prove that?

16 A. Other than the fact I told you when we got down  
17 in the basement.

18 Q. You told me I was under arrest. Did you read  
19 me my rights?

20 A. I did not.

21 Q. And is -- is that a normal process where you  
22 read somebody their rights?

23 A. The only way I have to read you your rights is  
24 if I'm questioning you about an offense, and I had no  
25 intentions of questioning you about an offense. So I



1 don't have to read you your rights.

2 Q. Is Officer Overcash available by any chance?

3 A. He is not. He is in Wise County today.

4 Q. Okay. Is it possible that you could be  
5 mistaken by telling me that I was under arrest or you  
6 might -- you might have said I was being detained?

7 A. No. I asked you to step back in the elevator  
8 on the second floor as it opened, we went down in the  
9 basement and I told you Montana had confirmed on some  
10 warrants for you and that I had to place you under  
11 arrest and that's when we put the handcuffs on you and  
12 took you out the basement door.

13 Q. Now, when we talk about this -- this bond  
14 situation, you said you read a Teletype to me; is that  
15 correct?

16 A. There's a Teletype that had the bond  
17 information on it, as far as what charges were and how  
18 much it was. That's what I was reading it off of.

19 Q. And was I aware that you were reading a  
20 Teletype?

21 A. I don't know if I specifically told you that  
22 was a Teletype that was in my hand.

23 Q. The document that was done by Officer Overcash  
24 says there's a Teletype attached but there is none. Do  
25 you have an explanation for that?

1           A.    You have a copy.  The original Teletype in the  
2 original of that would have been put in your file at the  
3 jail.

4           Q.    So it wasn't in the District Attorney's file  
5 either.  It would only be at the jail; is that right?

6           A.    Unless they got it from the jail that's where  
7 the original is is in your file there.

8           Q.    Okay.  So it's your understanding that I was  
9 prepared to post bond; is that correct?

10          A.    Yes, sir.

11          Q.    Did you say something about a Mr. Coleman?  I  
12 lost that when I was trying to take notes.

13          A.    Yes, Lieutenant Coleman.

14          Q.    Lieutenant Coleman.  And what -- what -- could  
15 you repeat your testimony relative to Lieutenant  
16 Coleman?

17          A.    Lieutenant Coleman was who I asked if you could  
18 use your credit card to post that \$100,000 bond.

19          Q.    And do you know what happened after that point  
20 about the bond?

21          A.    I do not.  That's when I left.

22          Q.    Okay.  So you -- are -- are you aware that the  
23 jail told me that I could not actually do that, that  
24 they would not accept either a Texas bond or a Montana  
25 bond?

1           A.    I am not.

2                       THE DEFENDANT:  Nothing further, Your  
3 Honor.

4                       THE COURT:  Yes, sir?

5                       MR. WILSON:  Nothing further.

6                       THE COURT:  You may step down.  Thank you.

7 Any other witnesses?

8                       MR. WILSON:  No, Your Honor.

9                       THE COURT:  Rest?

10                      MR. WILSON:  Yes, Your Honor.  State rests.

11                      THE COURT:  Rest?

12                      THE DEFENDANT:  Yes, Your Honor.

13                      THE COURT:  Close?

14                      MR. WILSON:  Briefly.

15                      THE COURT:  Any argument?

16                      MR. WILSON:  Your Honor, whether -- excuse  
17 me.  Whether this defendant is -- was in the state at  
18 the time of his offense or not, the extradition process  
19 is the same.  In fact, in my conversation just a few  
20 minutes ago with the Governor's Office in Montana, they  
21 said he's being extradited as a non-fugitive but the  
22 process is the same because it's an Internet-related  
23 crime he's being charged with up there.  But again, as  
24 you pointed out already, that's not our concern.

25                               However, 51.13 Section 6 of the Texas Code

1 of Criminal Procedure or the Uniform Criminal  
2 Extradition Act also applies for offenses that were  
3 committed either in the state or this asylum state --  
4 excuse me, the demanding state, the asylum state or even  
5 a third state. So the process for extradition is the  
6 same. That's even born out by Court of Criminal Appeals  
7 case Ex Parte Foss. The cite on that is 492 S.W.2d 552.  
8 It matters not whether someone is technically a fugitive  
9 in the sense that Mr. Windsor has stated earlier, the  
10 process is the same.

11           Again a bond has been set in the amount of  
12 \$100,000. We are entitled, at the Court's discretion up  
13 to an additional 60 days from this point, and I did  
14 misstate those dates earlier. At this point in time I  
15 believe the 90-day deadline from the November 21st  
16 hearing that took place in this court would be February  
17 19th. That's all I have, Your Honor. I ask that the  
18 writ be denied.

19           THE COURT: Thank you.

20           Mr. Windsor?

21           THE DEFENDANT: Okay. So first we have  
22 everything out of the D.A.'s file, and it says  
23 absolutely nothing about dealing with a fugitive. Then  
24 we have the District Attorney appearing saying, oh, he  
25 was there, he committed a crime on December 30th, 2013

1 and he fled the state. He stood right here -- or sat  
2 right there and told you that in this court. Now, here  
3 we are several weeks later and we've got yet another  
4 story.

5                   It's kind of hard to deal with this  
6 constantly changing story which changes to where it's  
7 convenient for whatever the District Attorney or  
8 Sheriff's Department would like to have considered at  
9 one time. But it really doesn't matter the fugitive or  
10 not a fugitive. 51.13 does provide that the State of  
11 Montana could apply saying that I'm not a fugitive. All  
12 right? That's pretty much going to wipe out all the  
13 first parts of Article 51 which specifically address the  
14 fugitive.

15                   The bench warrant is not a sworn affidavit.  
16 All the requirements in here, in Article 51, none of  
17 them have been met. There is no valid arrest or  
18 detainment of me. There's no probable cause that --  
19 affidavit. There's no affidavit from anybody in  
20 Montana. They've had 53 days. They could have tried to  
21 cover their tracks and fix some of these things. We've  
22 got a magistrate's document here where it says, hey,  
23 there's no affidavit, I can't say there's probable  
24 cause. We don't have it.

25                   And the law is that I was to be released

1 after 30 days. This is day 53. I don't want to bore  
2 you with anymore. I told you what the story is, Your  
3 Honor. There is just absolutely no way you can rule  
4 against me. I need to go home. Thank you.

5 THE COURT: You're welcome. Mr. Windsor,  
6 before I consider setting a second bond, I need to know  
7 where you're going to live to make sure that I know you  
8 will come back, if you get out, to this court, and I was  
9 going to set the next hearing on January 21st at nine  
10 a.m. But a Marriott -- I mean do you have any other  
11 home? Is it -- you're obviously not at the Marriott  
12 unless you're paying for a room right now. I don't  
13 know.

14 THE DEFENDANT: Your Honor, I've spent  
15 several months at the Marriott.

16 THE COURT: Okay.

17 THE DEFENDANT: I'll be happy to use  
18 Ms. Edgecomb's address, do whatever it is that you want  
19 if in deed you feel I have to be issued a bond as  
20 opposed to just outright release. My life has been  
21 threatened a number of times. There are videos out on  
22 YouTube of people here in Ellis County threatening me  
23 with bodily harm. I was apparently physically shot at  
24 while I was in Montana to do filming for my movie. A  
25 car ahead of me in the right lane about 50, 100 feet

1 maybe ahead, burst into flame and smoke. I received an  
2 e-mail that night from this guy in Montana saying, I  
3 missed. Could you believe how that car exploded?

4 And this guy's never denied it. It's  
5 published on joeyisalittlekid.blogspot.com and various  
6 other places.

7 I would be more than happy to provide you  
8 with information about where I can be found but I don't  
9 want to make it a matter of public record. I attempted  
10 to determine whether the State of Texas provides some  
11 type of address -- anonymity program, as many states  
12 have, relative to, you know, victims of domestic  
13 violence. Apparently, you don't have it.

14 So, you know, I'm cautious about giving out  
15 where I am because these people have physically stalked  
16 me, and they've -- and they've threatened me, but I'll  
17 do whatever it is you need to feel comfortable with if  
18 you feel bond has to be issued.

19 THE COURT: Off the record for one moment.

20 (Break in proceedings)

21 THE COURT: Back on the record in Cause No.  
22 14-158, The State of Texas versus William M. Windsor.  
23 It's an extradition proceeding.

24 Mr. Wilson, you would like to reopen?

25 MR. WILSON: Yes, Your Honor.

1 THE COURT: Yes, sir.

2 MR. WILSON: I would like to ask  
3 Mr. Windsor some questions about his assets and his  
4 ability to make bond or frankly pay for this hotel.

5 THE COURT: Okay.

6 REDIRECT EXAMINATION

7 BY MR. WILSON:

8 Q. Mr. Windsor, what is your sources of income?

9 A. Social Security.

10 Q. How much do you make on that?

11 A. About \$2,500 a month.

12 Q. And how are you going to pay for a hotel for an  
13 indefinite period of time?

14 A. Well, I think it would be for a definite period  
15 of time. It's a hotel that has a very special deal in  
16 terms of the rate and I have -- having stayed there for  
17 about five or six months have a significant number of  
18 room nights. I would say that probably I have at least  
19 a month or a month and a half where I won't have to pay.

20 Q. But if that hotel refuses you service for any  
21 reason such as inability to pay or -- or -- or any other  
22 reason at all where will you go?

23 A. Well, if they refuse to give me service I guess  
24 I'll contact the judge and say we need to get a  
25 different spot. Whatever it is that the judge is



1 comfortable with. I do have, you know, a credit card.  
2 So they're not going have to worry if I run out of free  
3 room nights in terms of being paid. I will incur debt.

4 Q. And Mr. Windsor on a different note, you have  
5 expressed extreme hostility toward the American Judicial  
6 System, correct?

7 A. Correct.

8 Q. And, in fact, haven't you publically stated  
9 that you believe participants in the American Judicial  
10 System such as judges or prosecutors like myself should  
11 be tried for treason and executed?

12 A. No, sir.

13 Q. You've never stated that?

14 A. Never said that whatsoever.

15 Q. Have you stated -- is any portion of what I  
16 just said true?

17 A. I -- I have said that judges or prosecutors or  
18 law enforcement people who commit gross violations of  
19 Constitutional rights of people and -- and commit  
20 corruption that that would be treason to the  
21 Constitution and that anybody who falls into that  
22 category, I feel that a grand jury should consider that  
23 as a charge.

24 Q. Do you believe that you have been subject to --  
25 or that I have committed some sort of gross violation of

1 your rights in this process?

2 A. You have committed violation of my rights,  
3 nothing gross.

4 Q. Do you believe that this Court or any other  
5 court in Ellis County has committed such violations of  
6 your rights?

7 A. I believe that there have been violations of my  
8 rights in Ellis County.

9 Q. Have I done anything that merits, in your  
10 views, being tried for treason?

11 A. No, sir.

12 Q. Has Judge Ermatinger done anything that merits  
13 that?

14 A. No, sir.

15 Q. Has Judge Carroll?

16 A. No, sir.

17 Q. Had Judge Knize?

18 A. No, sir.

19 Q. Has Judge Murphy?

20 A. No, sir.

21 Q. Has Judge Davis?

22 A. No, sir.

23 Q. Are there any other judge's you've been before  
24 in Ellis County?

25 A. Not that I'm aware of -- I'm sorry. Story or

1 whoever the magistrate is. I believe that was the  
2 justice of the peace or a judge.

3 Q. Has -- do you believe the sheriff of Ellis  
4 County has committed any gross violations of your  
5 rights?

6 A. The Sheriff's Department has committed a number  
7 of violations. Are they treasonable? No.

8 MR. WILSON: Nothing further, Your Honor.

9 THE COURT: Okay. Mr. Windsor, is there  
10 anything else you would like to say since it's reopened?

11 THE DEFENDANT: No, sir -- no, ma'am -- no,  
12 Your Honor. I'm sorry.

13 THE COURT: That's okay. No problem.

14 THE DEFENDANT: I would like to hear what  
15 your ruling is.

16 THE COURT: Oh, I -- I will give that, yes.

17 THE DEFENDANT: All right. And you can  
18 assume since I'm not going to be discharged that I will  
19 respectfully appeal that part of the decision but  
20 certainly not the granting of the bond, and --

21 THE COURT: Right.

22 THE DEFENDANT: -- it's nothing personal.

23 THE COURT: I understand that.

24 THE DEFENDANT: I am extremely clausto --  
25 claustrophobic so if it comes down to where a governor's

1 warrant is actually issued, I would hope that I might be  
2 able to arrange to surrender myself in Montana as  
3 opposed to being transported across the country, from  
4 what I understand might be weeks, with a bunch of other  
5 people being picked up in a cattle car. And I just  
6 offer that as something to, you know, stuck -- stick in  
7 the back of your mind as -- as something, and I have  
8 hopefully retained counsel in Montana.

9 THE COURT: Thank you.

10 Ann, where else am I supposed to sign on  
11 here? Just -- I see -- I see a lot of places.

12 MS. MONTGOMERY: You usually don't sign the  
13 bond.

14 THE COURT: I did this and then I did that.

15 MS. MONTGOMERY: Correct. And then the  
16 sheriff will have to approve it here when they get the  
17 bond back over and then he'll sign -- Mr. Windsor will  
18 have to sign this there in front of a deputy.

19 THE COURT: And then this additional terms  
20 of -- attached to the -- this?

21 MS. MONTGOMERY: Whatever you -- yes,  
22 ma'am.

23 THE COURT: Okay. Okay. I don't know if  
24 this has to go with it.

25 MS. MONTGOMERY: They're going to freak out

1 if they don't see two pages because they're used to the  
2 two pages on a bond and I'll call Captain Ogden and give  
3 him the heads-up that it's on its way over.

4 THE COURT: All right. Thank you.

5 MS. MONTGOMERY: Just so he's aware of  
6 that.

7 THE COURT: Thank you so much.

8 Can I put a date for the hearing on this  
9 extradition appearance bond somewhere?

10 MS. MONTGOMERY: No, Your Honor. That bond  
11 says instanter.

12 THE COURT: Okay.

13 MS. MONTGOMERY: So it will be what you  
14 have attached on your order.

15 THE COURT: I'll put it on this one then.

16 MS. MONTGOMERY: Yes, Your Honor. So it  
17 will be whatever date you put or then if you decide to  
18 have it earlier, then it can be instanter.

19 THE COURT: Mr. Windsor, this number is  
20 your number that we can reach you? This 770?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Okay.

23 THE DEFENDANT: And if I don't answer leave  
24 a voice mail please.

25 THE COURT: Yes, sir.

1                   Okay. On the record, Kelly. Back on the  
2 record in Cause No. 14-158, the State of Texas versus  
3 William M. Windsor. Offense is extradition proceeding.  
4 I'm going to reset this case until January 21st, 2015 at  
5 nine a.m. for the hearing. I am going to set a second  
6 bond, extend the -- extend the days -- I can extend the  
7 days up to 60 days, but I'm going to make the hearing on  
8 January 21st, 2015. I want everybody in this courtroom  
9 that morning. The hearing is at nine a.m. I'm putting  
10 it on my conditions, Mr. Windsor. I'm going to have you  
11 sign them in just a second.

12                   The Court is going to grant a PR bond. The  
13 PR bond is in the amount of \$100,000. You know what  
14 that means. Show up.

15                   THE DEFENDANT: Can you explain the PR  
16 bond? Is that personal recognizance?

17                   THE COURT: Yes, sir, it is.

18                   THE DEFENDANT: Means if I don't show up I  
19 owe you a hundred grand?

20                   THE COURT: A hundred grand. Dollar for  
21 dollar.

22                   THE DEFENDANT: Sounds like a very fair  
23 deal, Your Honor.

24                   THE COURT: You must live at that  
25 residence, Marriott Courtyard Dallas, Richardson at

1 Spring Valley. 1000 South Sherman, Richardson, Texas.  
2 I have your information. I have your phone number. You  
3 also must inform the Court immediately if your residence  
4 changes immediately. Okay? Signed today on December  
5 19th of 2014. I'm going to put the hearing date on  
6 here, Mr. Windsor, and I'm going to have you also sign  
7 it so that you understand and you can read it.

8 MR. WILSON: Judge, I would ask for one  
9 more condition.

10 THE COURT: Yes, sir.

11 MR. WILSON: That if he has a passport that  
12 that be surrendered as well to the Court.

13 THE COURT: I can do that.

14 Mr. Windsor, do you have a passport?

15 THE DEFENDANT: I do, Your Honor.

16 THE COURT: All right.

17 THE DEFENDANT: I would be delighted to  
18 surrender it.

19 THE COURT: That would be great. Let me  
20 find room for this. Hang on.

21 Is it in your belongings at the jail or is  
22 it with your belongings somewhere outside of jail?

23 THE DEFENDANT: Somewhere outside of the  
24 jail, Your Honor.

25 THE COURT: Okay. Mr. Wilson, how would

1 you like him to deliver that?

2 MR. WILSON: I would ask the Court to give  
3 him a deadline to turn that in to -- typically goes to  
4 the clerk -- typically the clerk -- surrender to the  
5 clerk.

6 THE COURT: Okay.

7 MR. WILSON: I would ask the Court to give  
8 him a deadline by which to surrender that.

9 THE COURT: So I'll have him turn over his  
10 passport to the District Clerk. Monday the 22nd?

11 MR. WILSON: Put a time specific -- I don't  
12 have a problem with that.

13 THE COURT: I don't know how long -- might  
14 not happen today so.

15 Mr. Wilson, will you come get this and take  
16 this to Mr. Windsor to look over?

17 Mr. Windsor, at the bottom, my handwriting,  
18 that little line where you need to sign after you read  
19 all of this, and you may look it over too Mr. Wilson.

20 THE DEFENDANT: Was there a time on the  
21 22nd, Your Honor?

22 THE COURT: Ten a.m.

23 THE DEFENDANT: Ten a.m.

24 THE COURT: District clerks downstairs or  
25 second floor.



1                   And he doesn't need to sign anything else  
2 on the other paperwork -- the extradition paperwork  
3 until he gets to the jail?

4                   MS. MONTGOMERY: And I did let Chief know  
5 when he gets to the jail. There will be a space he  
6 needs to sign and then the jail needs to approve that.

7                   THE COURT: Do I need to send that original  
8 with the deputies to the jail?

9                   MS. MONTGOMERY: Yes, Your Honor.

10                  THE COURT: Okay. So I will keep a copy  
11 here until they can switch with me?

12                  MS. MONTGOMERY: The original bond will  
13 have to be signed at the jail and processed. Then it  
14 will be forwarded back to our office usually.

15                  THE COURT: Okay. Your office. Okay. So I  
16 will make copies --

17                  MS. MONTGOMERY: We'll make sure we get a  
18 copy to the Court for the Court's file. But the  
19 originals are kept with us since we are the ones who are  
20 prosecuting the failure to appear on that \$100,000 bond.

21                  THE COURT: So make a copy for me, you.  
22 Mr. Windsor, I'll get you copies. Let's do four copies.

23                  Mr. Windsor, Monday downstairs, drop off  
24 your passport. If something happens today and you need  
25 to change your address and --

1                   And will you give him my -- the Court's  
2 card?

3                   Let us know the new address.

4                   Does he also need to call the Sheriff's  
5 Office and let them know the new address also or just --  
6 if I -- by calling the Court?

7                   MS. MONTGOMERY: I think once he's out on  
8 bond the Sheriff's Office usually doesn't keep up with  
9 that.

10                  THE COURT: Okay.

11                  MR. WILSON: They're out of the picture at  
12 that point.

13                  THE COURT: All right.

14                  MS. MONTGOMERY: It would be the Court.

15                  THE COURT: Sure.

16                  MS. MONTGOMERY: And of course our office  
17 is only going to go by that address on the bond for  
18 notification purposes.

19                  THE COURT: If I get a new address I'll  
20 notify everybody.

21                  THE DEFENDANT: One question. If the  
22 governor's warrant is issued will they wait until I show  
23 up on the 21st or will they come knocking on the hotel  
24 door and wrap me up in handcuffs?

25                  THE COURT: I think they might do that. I

1 think they can do that.

2 MR. WILSON: I'm going to ask them to do  
3 that if that happens, Judge.

4 THE DEFENDANT: Just wondering what's to be  
5 expected, Your Honor.

6 THE COURT: Off the record for a minute.

7 (Break in proceedings)

8 THE COURT: So be here on January 21st or  
9 if you decide to drive, then Montana will call us and  
10 let us know.

11 THE DEFENDANT: Okay.

12 THE COURT: Okay?

13 THE DEFENDANT: So sounds like it would be  
14 acceptable if I were to decide to go there, turn myself  
15 in, I'm not screwing up \$100,000 bond?

16 THE COURT: I do not think so. Looks like  
17 from what I read in the code that you can turn yourself  
18 in. Just don't be traveling on that day doing that.

19 THE DEFENDANT: I won't.

20 THE COURT: Might be -- you know, you're  
21 claustrophobia, you might not want to do that.

22 All right. Anything further from the  
23 State?

24 MR. WILSON: Nothing further, Your Honor.

25 THE COURT: Mr. Windsor?

1 THE DEFENDANT: Have you denied my petition  
2 for Writ of Habeas Corpus, Your Honor?

3 THE COURT: Yes, I denied your -- the  
4 Habeas Corpus. Thank you for reminding me of that.  
5 That is denied. I did issue the second bond and not to  
6 exceed 60 days, and we didn't exceed it. It's January  
7 21st, 2015 at nine a.m. Thank you.

8 THE DEFENDANT: Thank you very much.

9 THE COURT: You're welcome. Have a Happy  
10 Holiday.

11 THE DEFENDANT: Happy holiday.

12 THE COURT: Thank you.

13 (End of proceedings)

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## 1 REPORTER'S CERTIFICATE

2 THE STATE OF TEXAS )  
3 COUNTY OF ELLIS )

4 I, Kelly Pelletier, Official Court Reporter in and  
5 for the 443rd District Court of Ellis County, State of  
6 Texas, do hereby certify that the above and foregoing  
7 contains a true and correct transcription of all  
8 portions of evidence and other proceedings requested in  
9 writing by counsel for the parties to be included in  
10 this volume of the Reporter's Record, in the  
11 above-styled and numbered cause, all of which occurred  
12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's Record of  
14 the proceedings truly and correctly reflects the  
15 exhibits, if any, admitted by the respective parties.

16 I further certify that the total cost for the  
17 preparation of this Reporter's Record is \$504.00 and was  
18 paid by William M. Windsor.

19 WITNESS MY OFFICIAL HAND this the 16th day of  
20 January, 2015.

21 \_\_\_\_\_ /s/ \_\_\_\_\_  
22 Kelly Pelletier, Texas CSR 7840  
23 Expiration Date: 12/31/2015  
24 Official Court Reporter  
25 443rd District Court  
Ellis County, Texas  
109 South Jackson  
Waxahachie, Texas 75165  
Phone: (972) 825-5285  
kelly.pelletier@co.ellis.tx.us