

# **Exhibit**

**15**

REPORTER'S RECORD  
VOLUME 2 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

\*\*\*\*\*

WRIT OF HABEAS CORPUS

\*\*\*\*\*

On the 25th day of November, 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.

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WRIT OF HABEAS CORPUS

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 Tuesday, November 25, 2014

3 \*\*\*\*\*

4 THE COURT: On the record, Kelly. I'm here  
5 with William M. Windsor. I have no cause number. I  
6 handled the first part of his extradition hearing on --  
7 what date was that?

8 THE DEFENDANT: The 21st perhaps?

9 THE COURT: Was that the 21st?

10 Yes, the 21st of November. Mr. Windsor  
11 filed a Writ of Habeas Corpus. I have a copy. I also  
12 gave a copy to the State so they have a copy.

13 Mr. Windsor, on this writ the Court has no  
14 jurisdiction for a writ. Right now I have jurisdiction  
15 for the extradition. This writ, since it's from a --  
16 for another state, that's why it can't be heard here in  
17 this state. But we had the first part of your  
18 extradition, you do not want to waive, so I set your  
19 hearing for --

20 THE DEFENDANT: December 19th.

21 THE COURT: -- December 19th, thank you,  
22 which is in our little 30-day range. If at that point  
23 the governor's warrant is not here, the extradition --  
24 the extradition act allows me to set you a different  
25 bond but only to cover up until that 90-day period.

1 We've got to get you back in here 90 days from the time  
2 you took custody. I think we decided was the 28th of  
3 October.

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: I wanted to bring you in here  
6 because I had not seen this, and I was kind of worrying  
7 about, okay, I don't know where it's going. If you sent  
8 it to the clerks, they couldn't file it because they  
9 don't have jurisdiction of it. So that's why I wanted  
10 to bring you up here. I've got your copy, and I  
11 appreciate that, but I can't hear this writ on Montana's  
12 bond.

13 THE DEFENDANT: Can I explain why I think  
14 that's incorrect, Your Honor --

15 THE COURT: Of course you can.

16 THE DEFENDANT: -- respectfully? Maybe the  
17 best thing to do is go to the end and go back.

18 THE COURT: Sure.

19 THE DEFENDANT: Montana law, which I  
20 researched this morning, does not provide for  
21 extradition under a bench warrant. It has a specific  
22 similar Article 51 of the Texas Code of Criminal  
23 Procedure. They have a very specific one. It provides  
24 that it can be done based on an indictment and through  
25 the governor. There is none of that. There is nothing

1 -- virtually nothing that's correct in what's been done  
2 here.

3           The only thing from Montana -- because the  
4 district attorney -- assistant district attorney was  
5 kind enough to share the file with me, there's no  
6 affidavit, there's no indictment, there's no  
7 identification of me, there's no identification of what  
8 the charges other than claiming in a bench warrant there  
9 were violations of a protective order. There is no  
10 protective order. There's no proof that it's me. I did  
11 not flee from Montana. I've been here since -- I left  
12 Montana the last week in August of 2013.

13           The -- the -- you -- you can't be held in  
14 another -- in the State of Texas on something that's in  
15 Montana without Texas dealing with it. The -- Article  
16 51 -- and I could take you through each of the sections  
17 and chapters. Article 51 provides that I should have  
18 been provided with the things I was provided with when I  
19 was picked up. I wasn't. I was then to be taken before  
20 a magistrate and arraigned. I was taken before a  
21 justice of the peace. It may or may not be a  
22 magistrate --

23           THE COURT: Yes.

24           THE DEFENDANT: -- and he just recited  
25 stuff just like he did to other people. And I think

1 it's a little different when you're an extradition  
2 person because he was supposed to tell me about my  
3 habeas corpus rights and a few other things. He did  
4 seem to set a bond, and as I discussed with you last  
5 time, it says at the top Texas. I posted -- I arranged  
6 to post a Texas bond and it was refused. I then  
7 arranged to post a Montana bond and they contacted the  
8 people in Montana and they refused.

9           But Montana can't set a bond on me because  
10 they haven't indicted me for anything, they haven't  
11 arraigned me for anything, they haven't had me appear  
12 before anything to read me charges or anything else or  
13 to post a bond. This judge just -- just did.

14           So I have the right to seek a habeas corpus  
15 petition because I'm incarcerated illegally. There's no  
16 certified transcript, there's no proper documentation.  
17 I didn't flee and that would have to be one of the  
18 obligations under Article 51 is to say that I committed  
19 a crime and fled. I'm 66 years old. I've never had a  
20 traffic or parking ticket in 14 years, never been  
21 arrested, never been detained, never charged with  
22 anything. I've appeared before Judge Carroll on a  
23 regular basis as a plaintiff in a large lawsuit which is  
24 really the reason that I'm here.

25           I would assume that what they're charging



1 me with is mailing copies of the legal filings in case  
2 88611 of the 40th Judicial District Court to one of the  
3 defendants who's in Montana.

4 Texas Rules of Civil Procedure, it's either  
5 20 or 21, obligates me to do that and that's all I did  
6 was mail the documents and so I think he has buddies in  
7 the court system and law enforcement and goes and says,  
8 let's arrest this guy or whatever.

9 The arrest warrant is invalid. The Montana  
10 code that -- that proves that it's not allowed  
11 extradition is 46-30-401, Drake v. Spriggs,  
12 13-03-429-CV, Texas Appellate District 13, December  
13 14th, 2006. I believe it's footnote four. It has a  
14 virtually identical case involving Aransas County and  
15 Colorado. The person who is detained was denied the  
16 ability to obtain a Texas bond, and the Appellate Court  
17 ruled that his rights were violated. He is supposed to  
18 have those rights. We have the same situation here.

19 I need you to let me out. I need to go  
20 home. I -- I have enjoyed it a little bit, but I'm  
21 shaking really badly. I'm on medication. I'm not  
22 supposed to be here.

23 THE COURT: Let me -- let me ask you  
24 something. When -- when -- you tried to get the bond  
25 out of Montana or out of Texas?

1 THE DEFENDANT: Both, Your Honor.

2 THE COURT: Okay. Would Montana not accept  
3 either bond?

4 THE DEFENDANT: No, they wouldn't.

5 THE COURT: What was their reason?

6 THE DEFENDANT: They gave no reason. The  
7 -- the -- the corporal in the booking area said -- well,  
8 actually, no. It was the Montana bondsman, who  
9 regularly bonds people out before this judge and court,  
10 said that they just want to stick it to me, they want to  
11 force me to come up there and force me to jump through a  
12 bunch hoops and set all kinds of restrictions. There is  
13 no basis for them to have gotten me arrested here. It  
14 is against the law, and you're the only hope I have.

15 THE COURT: Well, and my hope right now is  
16 to get you here with that governor's warrant so you can  
17 have your hearing and do all that. The prosecutor is  
18 not prepared today to argue anything because I just told  
19 her, I said, I would like to bring Mr. Windsor up here  
20 to see what's going on. Because I saw that -- Donna  
21 sent me an e-mail that you sent her. When I saw that I  
22 thought well, let me bring him up here and see what's  
23 going on with that. Okay?

24 At the hearing that's what the State has to  
25 prove: Are you one in the same, is it -- are -- cross

1 your T's and dot your I's on what they have to prove,  
2 just those things, to see if you're the same and Montana  
3 wants you and their reasons.

4 THE DEFENDANT: You have -- I have  
5 different rights based on what says the governor's  
6 warrant as opposed to what there is today. I have --  
7 there is some significant differences. That's why I  
8 need something to be done now. I would say to the  
9 prosecutor, if you will --

10 MR. LOCKHART: There's nothing I can do.

11 THE DEFENDANT: But if you will look at the  
12 citations that I've provided under Article 51 and if you  
13 look at the Montana statute, I believe that you, as an  
14 honest, wonderful, delightful lady who is an officer of  
15 the court, will see it's illegal. I wrote the District  
16 Attorney. I haven't heard back.

17 MS. LOCKHART: Did you put the cites in  
18 here that I just got today?

19 THE DEFENDANT: I did, yes, ma'am. Please  
20 take a look. I don't want to be here for another month.  
21 I wouldn't be sitting here arguing --

22 THE COURT: Where do you live? I mean  
23 where do you normally live?

24 THE DEFENDANT: I -- I'm living in Dallas.

25 THE COURT: Oh, okay.

1 THE DEFENDANT: I was taken out of Judge  
2 Carroll's -- leaving Judge Carroll's courtroom after a  
3 hearing in which I'm a plaintiff.

4 THE COURT: I didn't even know if you were  
5 a Texas resident. I just did not know.

6 THE DEFENDANT: I am a documentary  
7 filmmaker, Your Honor, doing a movie called Lawless  
8 America. It's about government, judicial and law  
9 enforcement corruption.

10 THE COURT: Okay.

11 THE DEFENDANT: If you don't think I have a  
12 target the size of at least New Mexico on my back --  
13 there are a lot of people --

14 THE COURT: Maybe Montana now, right?

15 THE DEFENDANT: Yeah, it's a big state.

16 MS. LOCKHART: Well, I mean our file has  
17 the arrest warrant for the charges --

18 THE COURT: We did give Mr. Windsor a copy  
19 of the arrest warrant and --

20 MS. LOCKHART: -- and the -- the  
21 information. I mean he was charged with this. It's  
22 actually a case pending in a court in --

23 THE COURT: I don't know if he got -- I  
24 don't if he got a copy -- I can't remem -- you got the  
25 arrest warrant and --

1 THE DEFENDANT: I got a --

2 THE COURT: -- bench warrant and probable  
3 cause --

4 THE DEFENDANT: The arrest warrant which  
5 was done here.

6 MS. LOCKHART: Yeah, and the bench warrant  
7 has a charging instrument. I mean there's actually a  
8 pending case in a district court, and they sent the  
9 bench warrant.

10 THE COURT: Okay. Okay.

11 MS. LOCKHART: So there's an arrest  
12 warrant, a bench warrant and then -- I mean getting the  
13 governor's warrant takes time, and we checked with them  
14 on the 21st and they have -- they were already working  
15 on getting it so.

16 THE COURT: Okay.

17 MS. LOCKHART: I mean the law is being  
18 complied with at this point so. It's just --  
19 unfortunately, it's a timely process.

20 THE COURT: Right. Right.

21 THE DEFENDANT: It isn't being complied  
22 with, and I will appeal this.

23 THE COURT: I know.

24 MS. LOCKHART: But, I mean, there's nothing  
25 to appeal because you don't have jurisdiction to make

1 any rulings on this writ.

2 THE COURT: Right. I don't have any  
3 jurisdiction on this writ unfortunately. The only thing  
4 I have right now is the extradition, and now we have to  
5 wait that timeframe to get there. And at the hearing,  
6 Mr. Windsor, if things aren't done right and the State  
7 sees that it's not done right -- I mean the State's  
8 going off on what really -- our prosecutors are going on  
9 what Montana sent on what the governor's warrant is  
10 going to look like.

11 THE DEFENDANT: The Texas Code of Criminal  
12 Procedure gives specific requirements as to what Texas  
13 has to do when somebody is attempting to extradite to  
14 another state. Texas hasn't -- has not done that. And  
15 -- and I -- it's tough to sit here and be told that  
16 there's no one with jurisdiction when you're being  
17 detained except in the other state. It's just -- I'll  
18 file a petition for Writ of Mandamus.

19 THE COURT: Not on your writ.

20 THE DEFENDANT: Excuse me?

21 THE COURT: Not on your Writ of Habeas  
22 Corpus. That we don't. The -- now that you're in here  
23 on the extradition, yes. So my next step could be if  
24 that governor's warrant's not here on that date -- and  
25 like I told you before, if we get it sooner, I'll bring

1 you in here. Same thing I told you, if you decide you  
2 need a court appointed attorney. Have you talked -- I  
3 mean are you able to communicate with anyone?

4 THE DEFENDANT: I've communicated with an  
5 attorney.

6 THE COURT: Okay. I just want to make sure  
7 that you --

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. I want -- I didn't want  
10 you to be sitting over there and not getting the help.  
11 Okay. So that's really all I can do right now. I just  
12 wanted to let you know when you sent the e-mail, I  
13 thought, well, he's got it, I'll look at it. But I just  
14 can't do anything about this one writ right now. If  
15 they get the governor's warrant in earlier, I'll bring  
16 you up as soon as I can. Okay?

17 THE DEFENDANT: Okay. I will attempt to  
18 file a Petition of Writ of Mandamus to the Appellate  
19 Court to have them compel you to --

20 THE COURT: Okay.

21 THE DEFENDANT: -- hear it. I have -- I  
22 don't know what else to do.

23 THE COURT: I understand. That's perfectly  
24 fine. I understand.

25 THE DEFENDANT: I think you're wonderful.

1 THE COURT: Thank you.

2 THE DEFENDANT: I'm just trying to get out.

3 THE COURT: I know. I understand that.  
4 You know what? I would love for you to be able to get  
5 out. I -- I don't understand the bond. I don't  
6 understand why they won't accept the mon -- I don't  
7 understand that. Maybe they didn't want to accept the  
8 Texas bond from -- I don't know. Do you have someone  
9 over in Montana that can help you with that?

10 THE DEFENDANT: Not yet.

11 THE COURT: Okay.

12 THE COURT: But something may be working --

13 THE DEFENDANT: An excellent attorney will  
14 take it in three weeks after a murder trial.

15 THE COURT: Is that murder trial for sure  
16 going?

17 THE DEFENDANT: That's what he says.

18 THE COURT: Okay.

19 THE DEFENDANT: Thank you.

20 THE COURT: You're welcome. You're  
21 welcome. You're very welcome.

22 THE DEFENDANT: Happy Thanksgiving.

23 THE COURT: Happy Thanksgiving to you.

24 Are they getting turkey on Thanksgiving?

25 THE BAILIFF: Yes, ma'am.



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THE COURT: There you go. Thank you,  
Mr. Windsor.

THE DEFENDANT: Thank you, Your Honor.  
(End of proceedings)

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REPORTER'S CERTIFICATE

THE STATE OF TEXAS )  
COUNTY OF ELLIS )

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

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

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

\_\_\_\_\_/s/\_\_\_\_\_  
Kelly Pelletier, Texas CSR 7840  
Expiration Date: 12/31/2015  
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STATE OF TEXAS ) IN THE DISTRICT COURT  
VS. ) ELLIS COUNTY, TEXAS  
WINDSOR M. WILLIAM ) 443RD JUDICIAL DISTRICT

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MASTER INDEX

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EXHIBIT INDEX  
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None				

DEFENDANT'S EXHIBITS

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TOBEY, MICHAEL	36	39
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