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IN THE COURT OF CRIMINAL APPEALS  
FOR THE STATE OF TEXAS

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*In re* William M. Windsor, Relator

William M. Windsor,  
Relator

v.

Judge Cindy Ermatinger, Judge Mary Murphy, Keith Dean,  
Judge William C. Bosworth, Jr., Ellis County District Court,  
Tenth Court of Appeals, Respondents

State of Texas,  
Real Party in Interest

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from Cause No. 90744  
443rd District Court, Ellis County, Texas  
Judge Cindy Ermatinger, Judge Mary Murphy, Keith Dean,  
Judge William C. Bosworth, Jr.

from Appeal No. 10-16-00206-CR  
Tenth Court of Appeals

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**EMERGENCY MOTION FOR STAY**

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William M. Windsor (“Petitioner” or “Windsor”) files this “Emergency  
Motion for Stay,” and shows the Court:

1. William M. Windsor efiled a Petition for Writ of Prohibition to this Court at approximately 8:00 pm on July 24, 2016. It seeks to prohibit judge(s) in Ellis County District Court Case #90744 from taking any further action without appointing an attorney for William M. Windsor.

2. A hearing has been scheduled for July 25, 2016 at 1:00 pm on a Motion for Recusal, and William M. Windsor received a letter REQUIRING him to attend in person without a court-appointed attorney.

3. William M. Windsor is pro se. The evidence shows that he was never offered a court-appointed attorney. The evidence shows that he first requested a court-appointed attorney **45 days ago** on June 9, 2016, when he filed a verified Emergency Motion for Public Defender in Case #90744. He also requested a court-appointed attorney on June 12, June 13, June 17, June 28, July 1, July 20, and July 22, 2016. The evidence shows that his requests were ignored.

4. The evidence also shows that William M. Windsor filed an Affidavit of Indigence for the first time 29 days ago. It was not contested. No judge has responded to it.

5. William M. Windsor seeks a writ of prohibition to control or prevent action in a lower court. He asks that the judge(s) of the Ellis County District Court and Tenth Court of Appeals be prohibited from taking any further action in Case

#90744 and Appeal No. 10-16-00206-CR until an attorney has been appointed for William M. Windsor.

6. Denying William M. Windsor a public defender is a violation of his Constitutional rights and his rights pursuant to the “Ellis County Court Plan.”

7. The “Ellis County Court Plan” published at <http://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=259> provides that if the accused requests, but is not qualified to receive, court appointed counsel, the Court shall so notify the accused within three working days after receiving the application for court appointed counsel. William M. Windsor was never notified of anything, much less a claim that he was not qualified.

8. The “Ellis County Court Plan” provides that counsel is supposed to be appointed as soon as possible to indigent defendants, but no later than the end of the third working day after the date on which the appointing authority received the defendant’s request for court appointed counsel. The “Ellis County Court Plan” clearly states that appointment of counsel cannot be delayed beyond the timelines specified in these rules and in the Code of Criminal Procedure. The law has been ignored for 45 days.

9. There is nothing discretionary about the act that William M. Windsor seeks to have restricted. The judge(s) in case #90744 have been required by law and the Constitution to appoint an attorney for him.

10. William M. Windsor has no other vehicle for obtaining relief. There is no procedural mechanism to appeal ignoring his requests for a court-appointed attorney. William M. Windsor has no adequate remedy at law. His rights against self-incrimination have already been violated. There is no remedy to turn back the clock against what has happened and will continue to happen in the underlying case. The law obligated the Ellis County District Court to act on William M. Windsor's request, and he was ignored...again and again and again. In addition, the Tenth Court of Appeals ignored William M. Windsor's Petition for Writ of Mandamus and his Motion for Temporary Relief filed over a month ago.

11. The judges in this matter have abused their discretion. Based upon the facts and the law, judges were required by law to appoint an attorney for William M. Windsor.

12. This Court must not allow anything further to be done in Case #90744 without William M. Windsor being given the opportunity to have a public defender represent him.

13. William M. Windsor is without means to employ counsel of his own choosing and has requested that a court appoint counsel for him.

14. William M. Windsor asks this Court to order a stay in Case #90744 in Ellis County District Court until the Petition for Writ of Prohibition has been considered.

**PRAYER**

WHEREFORE, William M. Windsor prays that this Court:

- a. grant this Motion;
- b. order Case #90744 in Ellis County District Court STAYED until the Petition for Writ of Prohibition has been considered; and
- c. grant any other relief that this Court deems just and proper.

Submitted this 24th day of July 2016,



**William M. Windsor**

110 E Center Street #1213, Madison, South Dakota 57042, 770-578-1094,  
bill@billwindsor.com

**CERTIFICATION**

I hereby certify that I have reviewed the Emergency Motion for Stay, and every factual statement in the Motion is supported by competent evidence included in the appendix or record. I further certify that I emailed all of the parties involved and their staff members (15 people) to indicate that I intended to file this Motion. I sent a copy of the Petition for Writ of Prohibition by email to 15 people.

Signed this 24th day of July 2016,



**William M. Windsor**

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of this Emergency Motion

for Stay by email:

Judge Cindy Ermatinger, Respondent, 443rd District Court, 109 S. Jackson Street, Waxahachie, Texas 75165, cindy.ermatinger@co.ellis.tx.us.

Judge Mary Murphy, First Administrative Judicial Region, 133 N. Riverfront Blvd. LB 50, Dallas, TX 75207, cshiver@firstadmin.com, alisa.frame@firstadmin.com.

Keith Dean, Mediator, 5665 Dallas Parkway, Suite 200, Frisco, TX 75034, 214-704-4854, judgekeithdean@yahoo.com.

Judge William C. Bosworth, Jr., Respondent, 413th District Court, Guinn Justice Center, 204 S. Buffalo Ave., Room 202, Cleburne, TX 76033, billb@johnsoncountytexas.org.

Ellis County District Court, Respondent, 109 S. Jackson Street, Waxahachie, Texas 75165, 972-825-5284, Fax: 972-825-5276, melanie.reed@co.ellis.tx.us.

Tenth Court of Appeals, McLennan County Courthouse, 501 Washington Avenue, Room 415, Waco, Texas 76701-1373, 254-757-5200, Fax: 254-757-2822, Sharri.Roessler@txcourts.gov.

State of Texas, Real Party in Interest, Assistant Ellis County District Attorney Ms. M. Ann Montgomery-Moran, 109 S. Jackson Street, Waxahachie, Texas 75165, ann.montgomery@co.ellis.tx.us.

Signed this 24th day of July 2016,



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**William M. Windsor**