

CAUSE NO. 90744

| | | |
|--------------------|---|-------------------------------|
| State of Texas | § | 443rd Judicial District Court |
| v | § | |
| William M. Windsor | § | Ellis County Texas |

**REPLY TO STATE’S RESPONSE AND OBJECTION TO
MOTION FOR PUBLIC DEFENDER**

William M. Windsor files this Reply to State’s Response and Objection to Motion for Public Defender.

FACTUAL BACKRGOUND

1. On December 30, 2014, William M. Windsor was charged with failure to appear by Judge Cindy Ermatinger in the underlying case, Case #14-158. Judge Cindy Ermatinger revoked William M. Windsor’s “Bond” and ordered his arrest in Case #14-158. [Exhibit 1, P.32.] Judge Cindy Ermatinger issued a Judgment NISI for \$100,000. [Exhibit 2.] The State obtained an indictment for felony bond jumping, which carries a maximum sentence of 10 years in a Texas prison. [Exhibit 3.] On January 14, 2015, and After Indictment Warrant was issued in Case #39746-CR. [Exhibit 14.] On January 21, 2015, a Capias Warrant was issued in Case #39746-CR. [Exhibit 5.]

2. William M. Windsor has never been served with a Citation in this criminal matter, and he has never filed an Answer. He was never given the opportunity to have a public defender named.

3. William M. Windsor has never been read his rights, and the sworn testimony he is giving in this case and the legal arguments he is making is information that a criminal defense attorney would likely advise him not to share. He has been denied the fundamental protections that a criminal defendant must be given.

REPLY ARGUMENTS

A. THERE IS A JUDGE WHO CAN ACT AT THIS TIME.

4. Assistant Ellis County District Attorney Ann Montgomery-Moran claims there "...is no court that can act at this time."

5. She is wrong.

6. Texas Rules of Civil Procedure ("TRCP") Rule 18a (g) (4) states: "Interim Orders. The regional presiding judge or judge assigned to decide the motion may issue interim or ancillary orders in the pending case as justice may require."

B. THIS IS A CRIMINAL CASE, AND WILLIAM M. WINDSOR IS ENTITLED TO A COURT-APPOINTED ATTORNEY.

7. This is a criminal proceeding.

"...a bond forfeiture proceeding is not a 'civil case,' Article 22.10, supra, notwithstanding. The Supreme Court of Texas long ago noted, in responding negatively to the certified question whether courts of civil appeals had jurisdiction to entertain appeals in bond forfeiture proceedings, that '[t]he effect of this provision [a forerunner of Article 22.10] was to prescribe the manner of trial, but did not change the character of the case.' *Jeter v. State*, 86 Tex. 555, 26 S.W. 49 (1894). The Supreme Court, the Court of Appeals, and its successor, this Court, have all consistently held that bond forfeiture is a criminal matter. *Gay v. The State*, 20 Tex. 504, 506-507 (1857), *Hart v.*

The State, 13 Tex.App. 553, at 557 (1883), and *State ex rel. Vance v. Routt*, 571 S.W.2d 903, at 907 (Tex.Cr.App. 1978). Article 22.10, supra, simply prescribes that civil rules shall govern all proceedings in the trial court following judgment nisi. It does not transform a bond forfeiture proceeding from a criminal into ‘a civil case’ for purposes of § 51.012, supra.” (*State v. Sellers*, 790 S.W.2d 316, 321 (Tex. Crim. App. 1990).)

See also *City of Dallas v. Smith*, 716 S.W.2d 114, 116, 117 (Tex. App.-Dallas 1986, no writ) (entry of final judgment of bond forfeiture is incidental to criminal case, constituting part of the criminal case; both Texas Supreme Court and Texas Court of Criminal Appeals "hold that the forfeiture of bail bonds in criminal cases is a mere incident to the criminal case") (quoting *Willis v. State*, 150 S.W. 905, 905 (Tex. Crim. App. 1912)), (*Cooper v. Hunt*, 05-14-00928-CV (Tex.App. Dist.5 12/28/2015).)

“Bond forfeiture is a criminal matter.” (*Safety National Casualty Corp. v. State*, 273 S.W.3d 730 (Tex.App. Dist.1 11/07/2008); *Kubosh v. State*, No. PD-1924-06 (Tex.Crim.App. 11/07/2007); *Carvajal v. State*, No. 04-00-00132-CR (Tex.App. Dist.4 03/14/2001); *Gerald Ray Bullin v. State of Texas*, 836 S.W.2d 305 (08/06/92).)

8. All bond forfeiture cases follow the criminal judicial process, including appeal to the Court of Criminal Appeals.

9. Although Texas Code of Criminal Procedure (“CCP”) Article 22.10 provides that civil rules govern all proceedings in the trial court following judgment nisi, a bond forfeiture case is not a “civil case.” See *State v. Sellers*, 790 S.W.2d 316, 321 (Tex. Crim. App. 1990); accord *Dees*, 865 S.W.2d at 462. **A bail bond forfeiture proceeding is a criminal action** governed by the rules of civil procedure after entry of the judgment nisi. See *Blue v. State*, 341 S.W.2d 917, 919 (Tex. Crim. App. 1960). Both the Texas Supreme Court and the Court of Criminal Appeals have held that an appeal from a bail bond forfeiture is a criminal case that

is within the jurisdiction of the Court of Criminal Appeals as established by article V, section 5 of the Texas Constitution. *See Jeter v. State*, 26 S.W. 49, 49 (Tex. 1894); *Ex parte Burr*, 185 S.W.3d 451, 452-53 (Tex. Crim. App. 2006); *see also Tex. Const. art. V, § 5(a)*. (*Texas Attorney General Opinion*, Opinion No. GA-0486, (11/21/2006).)

C. THERE IS NO TEXAS STATUTE AND NO TEXAS CASE LAW THAT SAYS A DEFENDANT CAN BE DENIED A COURT-APPOINTED ATTORNEY IS A CASE SUCH AS THIS.

10. The State says “There is nothing in Article 22 of the Texas Code of Criminal Procedure or the Texas Rules of Civil Procedure that entitles a defendant to a court appointed attorney (public defender) in bond forfeiture cases.”

11. Well, there is nothing in Article 22 of the CCP or the TRCP that says a defendant is not entitled to a court appointed attorney (public defender) in bond forfeiture cases.

12. See CCP Article 22.13 (a) (4). Bond forfeiture is a criminal charge that has a penalty of 10 years in prison in Texas if the State timely pursues an indictment as it did in this case.

13. The State has identified no Texas statute and no Texas case law to support its position.

D. STATUTES AND CASE LAW PROVIDE AUTHORITY THAT WILLIAM M. WINDSOR IS ENTITLED TO A COURT-APPOINTED

ATTORNEY.

14. CCP Article 1.051 provides: “RIGHT TO REPRESENTATION BY COUNSEL. (a) A defendant in a criminal matter is entitled to be represented by counsel in an adversarial judicial proceeding.” This is a criminal matter, and William M. Windsor has the right to representation by counsel.

15. Article 1 Section 10 of the Texas Constitution provides: “RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself, and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor....”

16. The Sixth Amendment to the U.S. Constitution provides:

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.”

17. Section 1 to the Fourteenth Amendment to the U.S. Constitution provides:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

18. The Sixth Amendment provides: “In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence.” (Emphasis supplied.) *Gideon v. Wainwright*, 372 U.S. 335 (1963), extended the Sixth Amendment right to counsel to the States through the Fourteenth Amendment and held that the right includes the right of the indigent to have counsel provided. *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

E. WILLIAM M. WINDSOR IS ENTITLED TO A COURT-APPOINTED ATTORNEY, AND SCOTT V. ILLINOIS IS NOT RELEVANT IN THIS CASE.

19. The State cites two United States Supreme Court decisions, *Scott v. Illinois* and *Lassiter v. Dep’t of Social Services*, as authority that actual imprisonment defines the Sixth Amendment Constitutional right to appointment of counsel.

20. Case #90744 does not require the Sixth Amendment as Texas law is clear.

21. Unlike this case, *Scott v. Illinois* and *Lassiter v. Dep’t of Social Services* are not cases involving charges of felony bond jumping, an arrest warrant,

and a potential of 10 years in prison plus a \$100,000 forfeiture. They are not cases that were incidental to another criminal matter.

22. Neither *Scott v. Illinois* nor *Lassiter v. Dep't of Social Services* provide that case law regarding the Sixth Amendment to the U.S. Constitution supersedes any state law. Texas has specific statutes regarding the right to appointment of counsel that are distinctly different from Illinois and North Carolina. Illinois and North Carolina are two of only nine states that require appointment of counsel only if there is an actual jail sentence required if guilty and convicted. (*Drawing the line at Actual Imprisonment*, The Sixth Amendment Center, January 31, 2013 -- <http://sixthamendment.org/drawing-the-line-at-actual-imprisonment/>.)

23. *Lassiter v. Dep't of Social Services* is a civil case that actually supports William M. Windsor's position. The Supreme Court noted that the civil case **contained no allegations** of neglect or abuse **upon which criminal charges could be based**. This indicates that had the U.S. Supreme Court been considering this case, their decision would have been different.

24. *Lassiter* is a 1978 North Carolina case involving a petition to terminate parental rights. The court determined that Lassiter had been given ample opportunity to obtain counsel and that her failure to do so was without just cause, did not postpone the proceedings. Lassiter did not aver that she was indigent, and

the court did not appoint counsel for her. The Supreme Court held that the U.S. Constitution does not require the appointment of counsel for indigent parents in every parental status termination proceeding. The decision whether due process calls for the appointment of counsel is to be answered in the first instance by the trial court, subject to appellate review. (452 U. S. 232.) The Supreme Court held in the circumstances of this case, the trial judge did not deny petitioner due process of law when he did not appoint counsel for her. The record shows, *inter alia*, that the petition to terminate petitioner's parental rights **contained no allegations** of neglect or abuse **upon which criminal charges could be based**; no expert witnesses testified; the case presented no specially troublesome points of law; the presence of counsel could not have made a determinative difference for petitioner; she had expressly declined to appear at the 1975 child custody hearing; and the trial court found that her failure to make an effort to contest the termination proceeding was without cause. (452 U. S. 32-33.)

25. CCP Article 1.051 (c) provides: "**An indigent defendant is entitled to have an attorney appointed to represent him** in any adversary judicial proceeding that may result in punishment by confinement and **in any other criminal proceeding if the court concludes that the interests of justice require representation.**"

26. The interests of justice require that William M. Windsor have a court-appointed attorney. He faces 10 years in prison, likely a life sentence for a 67-year-old man with serious health problems.

27. This is a case of corruption involving Judge Cindy Ermatinger, Ellis County District Attorney Patrick Wilson, and Assistant Ellis County District Attorney Ann Montgomery-Moran. No honest judge can look at the facts in this case and fail to see that the so-called "Bond" is a fraud and has been forged. Judge Cindy Ermatinger, Ellis County District Attorney Patrick Wilson, and Assistant Ellis County District Attorney Ann Montgomery-Moran are doing everything possible to try to force William M. Windsor to come to Ellis County so they can arrest him. Their personal goal is to stop him from getting them indicted, disbarred, and removed from office. They also seek to avoid a massive financial award against them by a jury in a 42 U.S.C. 1983 lawsuit.

28. William M. Windsor has never been served with a Citation in this criminal matter, and he has never filed an Answer. He has never been read his rights. He was never given the opportunity to have a court-appointed attorney named; his requests have been ignored. Yet he has been forced to defend himself, and if he is found guilty in this case, the information obtained by the State and the decision of the Court will most certainly be used against him in the felony bond

jumping trial. Case #90744 is incidental to his indictment on charges of felony bond jumping.

29. William M. Windsor is indigent, as shown by the Affidavit of Indigence that he has filed, and he has needed to have a public defender represent him. Many rights have been violated. (*Miranda v. Arizona*, 384 U.S. 436 (1966).)

PRAYER

30. William M. Windsor prays that his Emergency Motion to Name a Public Defender is granted; that a Public Defender be named; that an order be issued dismissing this case with prejudice; and that this Court grant such other and further relief as the Court feels is appropriate.

Submitted this 28th day June 2016,



William M. Windsor
110 East Center Street #1213, Madison, South Dakota 57042
770-578-1094 -- Email: bill@billwindsor.com

VERIFICATION

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

This 28th day June 2016,



William M. Windsor

CERTIFICATE OF SERVICE

William M. Windsor has sent a copy of this Reply to State's Response and
Objection to Motion for Public Defender by email to Assistant Ellis County
District Attorney Ms. M. Ann Montgomery-Moran, 109 S. Jackson Street,
Waxahachie, Texas 75165, ann.montgomery@co.ellis.tx.us.

This 28th day June 2016,



William M. Windsor

Exhibit

1

REPORTER'S RECORD
VOLUME 1 OF 1 VOLUMES
TRIAL COURT CAUSE NOS. EX14-19, 14-158

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

EMERGENCY HEARING

AND

ORDER OF SURRENDER

On the 30th 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
4 SBOT NO. 90001783
5 ELLIS COUNTY DISTRICT ATTORNEY
6 109 South Jackson Street
7 Waxahachie, Texas 75165
8 Phone: 972-825-5035

9
10 ATTORNEY FOR THE STATE

11
12 Ms. Juanita Edgecomb
13 SBOT NO. 24029529
14 ATTORNEY AT LAW
15 P.O. Box 3552
16 Cedar Hill, Texas 75106
17 Phone: 972-845-7131

18
19 ATTORNEY FOR THE DEFENDANT
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHRONOLOGICAL INDEX
VOLUME 1 OF 1
EMERGENCY HEARING/ORDER OF SURRENDER

December 30, 2014

Page Vol.

Proceedings..... 5 1

STATE'S WITNESSES

Direct Cross Voir Dire Vol.

PHILLIP SLAUGHTER 10 14, 18 1

MELISSA BUTLER 19 20 1

DEFENDANT'S WITNESSES

Direct Cross Voir Dire Vol.

NONE

Closing Arguments by Mr. Wilson..... 28 1
Closing Arguments by Ms. Edgecomb..... 24 1

Court's Ruling..... 31 1

Court Reporter's Certification..... 39 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ALPHABETICAL INDEX
VOLUME 1 OF 1
EMERGENCY HEARING/ORDER OF SURRENDER

| | | |
|--------------------|--------|--------|
| WITNESS | DIRECT | CROSS |
| BUTLER, MELISSA | 19 | 20 |
| SLAUGHTER, PHILLIP | 10 | 14, 18 |

EXHIBIT INDEX
VOLUME 1 OF 1
EMERGENCY HEARING/ORDER OF SURRENDER

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 | | | | |

P R O C E E D I N G S

Tuesday, December 30, 2014

1
2
3
4 THE COURT: Court will call EX14-19 and --
5 State of Texas versus William M. Windsor, Extradition,
6 and Court will call Cause No. 14-148 (sic), State of
7 Texas, William Windsor, Extradition; misdemeanor two
8 counts, felony three counts, and the Writ of Habeas
9 Corpus.

10 MS. EDGECOMB: I'm sorry, Judge. Is it 148
11 or is it 158?

12 THE COURT: There's one -- one is 14-158
13 and then the Extradition is 14-19, but they're kind of a
14 combination of two going together so.

15 Ms. Edgecomb, we're on the record now,
16 would you like to put that on the record that you're
17 Mr. Windsor's attorney?

18 MS. EDGECOMB: Yes. I'm just representing
19 Mr. Windsor just in terms of trying to find out what
20 today's hearing is about. Obviously, Mr. Windsor
21 contacted our office, indicated that he had not received
22 any notice of today of any hearing. He just stated he
23 didn't know what the hearing was about. That's all I
24 know, and I don't even know what the hearing is about,
25 Judge. So I didn't -- of course it's not Mr. Wilson's

1 fault. I mean, obviously, he didn't know I was going to
2 show up, and that's -- that's all I know, Judge. I
3 think my understanding is -- and I'm not sure --
4 obviously, I wasn't here at the last hearing is that he
5 might have received notice to return in January?
6 January something?

7 THE COURT: 21st.

8 MS. EDGECOMB: That's -- that's the only
9 notice he's ever received. He's indicated that he's
10 checked his P.O. Box. There was a P.O. Box that should
11 have been on file where he should have received any kind
12 of notice, and he hasn't received any notice of today's
13 hearing or that a hearing was scheduled. Nobody
14 contacted him. Should be motions on file for legal mail
15 in which anything having to do with the case that a P.O.
16 Box in Dallas, Texas is on file. He's turned over his
17 passport to the Court. I believe there is even an
18 e-mail account on file, Judge, where he probably could
19 have received notice as well. The only thing I know,
20 Judge, is he has not received notice to be here today.

21 THE COURT: Mr. Wilson, do you want to
22 address Ms. Edgcomb or the Court?

23 MR. WILSON: I'm not real sure what there
24 is to do at this point, Judge. Mr. Windsor is not
25 present. I guess a recitation of the facts would be

1 appropriate for the record for posterity sake.

2 THE COURT: Yes.

3 MR. WILSON: On December 19th you granted
4 Mr. Windsor a personal recognizance bond -- that -- the
5 instanter bond, and it was stated at that hearing -- I
6 stated in response to your question that once we obtain
7 the governor's warrant it would be my intent to seek out
8 Mr. Windsor and have him arrested as soon as possible.

9 That warrant was issued by Governor Perry
10 on December 23rd. It came in the hands of the Ellis
11 County Sheriff's Office on December 26th. On that day
12 they attempted to serve that warrant at the residence
13 where he claimed to be living in which he said was a --
14 which you stated as a condition of his bond. Frankly,
15 Mr. Windsor lied to this Court. He said he was living
16 at this hotel in Richardson. You conditioned his bond
17 on him staying there. Sheriff's deputies went there to
18 execute that warrant and it's stated in my motion for
19 this emergency hearing and order to appear, Mr. Windsor
20 in fact is not staying there. Hotel staff confirmed
21 that while he paid for a room, he is not actually
22 staying there. There's been no sign that he's actually
23 staying there, and so I ask that this hearing be set.
24 And because it is an instanter bond that he be ordered
25 to appear immediately and if not -- that if he doesn't

1 appear, to forfeit his bond.

2 I was also informed yesterday by means of
3 your court coordinator that Mr. Windsor did call the
4 Court and informed the Court and said he would not be
5 here today. So in fact, for the record, he does know
6 about this hearing.

7 This -- this motion that I filed yesterday
8 I faxed it to his reported residence at that hotel in
9 care of the hotel. So he obviously knows about it, and
10 I would suggest that he is simply engaging in another
11 one of his attempts to manipulate the legal system to
12 his benefit. I'm not sure what purpose he has in trying
13 to retain Ms. Edgecomb to show up here at a moment's
14 notice. It's certainly not her fault. I just don't
15 think there's anything to do at this point except to ask
16 the bailiff to call his name three times at the
17 courthouse steps and forfeit his bond and proceed.

18 THE COURT: Ms. Edgecomb, did you get a
19 copy of the motion that was sent to Mr. Windsor?

20 MS. EDGECOMB: No. That's not Mr. Wilson's
21 fault obviously.

22 THE COURT: No, no.

23 MS. EDGECOMB: He didn't know. He could
24 have sent me one.

25 THE COURT: Patrick, do you have an extra

1 copy so she can just look at it, or I can have her make
2 a copy out of my file.

3 MR. WILSON: No, I've got an extra copy.

4 MS. EDGECOMB: And -- and just really
5 quick, Judge, did he -- Mr. Windsor file anything by any
6 chance?

7 THE COURT: I'm just looking --

8 MS. EDGECOMB: A motion for -- to continue?

9 THE COURT: The Court has a letter. It
10 looks like it was filed to Mr. Wilson.

11 MS. EDGECOMB: Okay.

12 THE COURT: And with the little note to me
13 and he printed out the Code of Criminal Procedure. I
14 don't see a motion. Let me look to make sure. Looking
15 at the file, it looks like the last motions from
16 Mr. Windsor was his Motion for Writ on December 19th.

17 MS. EDGECOMB: On December 19th?

18 THE COURT: Yeah, and we heard that. I do
19 not see --

20 MS. EDGECOMB: Okay.

21 THE COURT: -- a new motion.

22 MS. EDGECOMB: That's fine. Okay.

23 So at this point, Judge, then I'm -- I'm
24 assuming the emergency motion is to have Mr. Windsor
25 appear because a warrant has been issued?

1 THE COURT: That is correct.

2 MS. EDGECOMB: Okay.

3 THE COURT: Mr. Wilson, do you want to put
4 on any testimony that he's violated the conditions of
5 his PR bond?

6 MR. WILSON: Sure, Judge, I'd be happy to
7 do that. I would like to call Phil Slaughter to the
8 stand.

9 THE COURT: All right.

10 Please raise your right hand.

11 (Witness sworn)

12 Thank you. Take a seat.

13 MR. WILSON: Just for record, Ms. Edgecomb
14 has been provided copy of the motion on file yesterday.

15 MS. EDGECOMB: Correct.

16 THE COURT: Also on the record, Mr. Windsor
17 is not in the courtroom at this time.

18 PHILLIP SLAUGHTER,
19 having been first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. WILSON:

22 Q. Would you state your name please.

23 A. Phillip Slaughter.

24 Q. How are you employed?

25 A. I'm Sergeant with Ellis County Sheriff's

1 Office.

2 Q. Sergeant Slaughter, were you working on
3 December 26th of 2014?

4 A. Yes, sir.

5 Q. On that day did you come into possession of a
6 -- an original warrant that was issued by Governor Rick
7 Perry of the State of Texas?

8 A. Yes, sir.

9 Q. Was that a warrant -- an extradition warrant
10 for the arrest of a William Windsor?

11 A. Yes, sir.

12 Q. And did you personally attempt to serve that
13 warrant?

14 A. Yes, sir.

15 Q. Can you tell the Court about your experience in
16 attempting to serve that warrant?

17 A. We went to the hotel in Richardson, the address
18 we were given where he claimed to be staying at. When
19 we got to the hotel I spoke with hotel staff. They said
20 he rented a room there until January 21st and gave us a
21 room number and even provided us the location of the
22 room. We went to the room, knocked on the door, didn't
23 get any answer. They opened the door. We went in,
24 didn't look like anybody lived there. The -- there was
25 no personal effects or anything inside this room.

1 The gentleman with the hotel then contacted
2 his cleaning staff, spoke to them and they said they've
3 been in that room --

4 MS. EDGECOMB: Objection, hearsay.

5 MR. WILSON: Judge, the Rules of Evidence
6 apply to an extradition hearing -- a hearing related to
7 an extradition matter, I think that's what we're talking
8 about here.

9 MS. EDGECOMB: We're talking about -- what
10 we're talking about is surrender of bond and he wants to
11 bring somebody in to say that -- from the staff that
12 said, you know, this is what they're saying, then he
13 needs to present someone.

14 THE COURT: I will sustain her objection.
15 You just tell me what all you saw and what you found.

16 THE WITNESS: Okay.

17 THE COURT: What his room looked like, was
18 his vehicle -- things like that.

19 THE WITNESS: His vehicle was not in the
20 parking lot. We checked the parking lot. The room was
21 completely clean, had not been -- didn't look like it
22 had been touched at all. The bed was perfectly made and
23 speaking to the gentleman at the -- that handles the
24 lobby area and is running the hotel for the day, he then
25 told us it had been --

1 MS. EDGECOMB: Objection --

2 THE WITNESS: -- rented until in 21st.

3 MS. EDGECOMB: Objection to hearsay as to
4 what any staff might have said. Again same objection.

5 MR. WILSON: Judge, if I may. The Rules of
6 Evidence explicitly state that they do not apply to bond
7 hearings or extradition hearings. They apply only at a
8 hearing to revoke or increase bond. This is not such a
9 hearing. This is simply a hearing related to the
10 extradition of William Windsor. The Rules of Evidence
11 explicitly say the Rules of Evidence don't apply --

12 MS. EDGECOMB: Again --

13 MR. WILSON: -- to an extradition hearing.

14 MS. EDGECOMB: And again if he's trying to
15 bring in -- bring it in for the truth of the matter,
16 outside statement, again he can produce the witness that
17 he spoke to say what it is he actually said.

18 THE COURT: Sustained. I'll sustain her.

19 THE WITNESS: There was no evidence anyone
20 had been living in that room or been in that room.

21 MR. WILSON: Nothing further -- well, one
22 more question.

23 Q. (BY MR. WILSON) Have you been able to locate
24 Mr. Windsor since that time?

25 A. No, sir.

1 MR. WILSON: Pass the witness.

2 CROSS-EXAMINATION

3 BY MS. EDGECOMB:

4 Q. I'm sorry, could you state your name again
5 for --

6 A. Phillip Slaughter.

7 Q. And are you Detective Slaughter?

8 A. Sergeant.

9 Q. Sergeant Slaughter. Okay?

10 A. Yes.

11 Q. Sergeant Slaughter, you indicated a hotel.
12 What hotel are you talking about?

13 A. The Marriott. I actually didn't bring it with
14 me. It's a Courtyard Marriott at -- the -- address that
15 we were provided, I left it sitting on my desk on a
16 sticky note it was written on.

17 Q. Okay. And room number did you go to?

18 A. 242.

19 Q. And would you agree that -- have you ever
20 stayed in a hotel before obviously?

21 A. Yes.

22 Q. Okay. All right. Would you agree hotels are
23 made daily by staff? I mean cleaned up and beds are
24 made?

25 A. Yes and the staff told us they had not.

1 Q. Again that wasn't the question. Would you
2 agree that staff makes the beds every day? Cleans and
3 or --

4 A. Depends on the hotel.

5 Q. Depends on the hotel, correct?

6 A. Correct.

7 Q. All right. So other than what his staff might
8 have told you would you agree that perhaps it's possible
9 that staff could have gone in there and made the beds?

10 A. They could have made the bed I guess.

11 Q. Okay. All right. So could have been clean and
12 could have been made, right?

13 A. I don't believe it was.

14 Q. My question is do you believe it's possible?

15 A. According to them it wasn't, so --

16 Q. Again --

17 A. -- I don't believe it's possible.

18 Q. -- that's not the question. Is it possible
19 that the -- that room could have already been made?

20 A. I don't think so.

21 Q. Now, you indicated there were no personal
22 effects, correct?

23 A. Correct.

24 Q. Okay. Now, a person that's also necessarily --
25 that's staying there doesn't necessarily have to leave

1 their things in a hotel room, correct?

2 A. Correct.

3 Q. Okay. All right. You indicated you didn't see
4 a vehicle, correct?

5 A. Yes.

6 Q. Was that based on one visit?

7 A. We were there for four and a half hours.

8 Q. That was based on one visit on one day?

9 A. Yes, by me, yes.

10 Q. Correct. Okay. So it's possible that he was
11 just not there on that day, correct?

12 A. According to --

13 Q. Again --

14 A. -- a Richardson officer --

15 Q. Again is it possible --

16 A. As far as my personal knowledge during that
17 four-hour period he was not there.

18 Q. Correct. Okay --

19 A. He did not appear to have be there.

20 Q. All right. Do you believe a vehicle is a
21 moving vehicle?

22 A. That a vehicle is a moving vehicle?

23 Q. That it can be moved?

24 A. Yes.

25 Q. Somebody can get in a car and move a vehicle,

1 correct?

2 A. Yes.

3 Q. All right. So -- and this is a hotel, right?

4 A. Correct.

5 Q. What day was that again?

6 A. Friday.

7 Q. December the 20 --

8 A. Six

9 Q. -- six? Day after Christmas?

10 A. Yes.

11 Q. All right. Okay. So people visit people

12 correct, Christmastime?

13 A. Sure.

14 Q. Okay. All right. That doesn't necessarily
15 mean you're not still residing there, correct? If you
16 visit --

17 A. I just know he wasn't there, and it didn't
18 appear he had been there.

19 Q. All right. Okay. All right. Now -- and you
20 indicated you went to room 242, correct?

21 A. Yes.

22 Q. Okay. Did you actually check the room log?

23 A. Did I --

24 Q. The log at the hotel room where somebody signs
25 in?

1 A. No, the gentleman at the counter that handles
2 all that told me.

3 Q. So you never checked the log -- hotel log, sign
4 in log, anything like that?

5 A. No. There was no sign in log.

6 Q. Okay. All right.

7 MS. EDGECOMB: Pass the witness.

8 MR. WILSON: Nothing further, Your Honor,
9 from this witness.

10 THE COURT: I have a question for you.

11 THE WITNESS: Yes, ma'am.

12 THE COURT: Do you know how Mr. Windsor
13 found out about this hearing date today?

14 THE WITNESS: I do not know.

15 THE COURT: Nothing further.

16 MS. EDGECOMB: I have one question.

17 RECROSS-EXAMINATION

18 BY MS. EDGECOMB:

19 Q. Do you know if he -- Mr. Windsor received
20 notice of today's hearing?

21 A. I do not.

22 Q. So you --

23 A. I did not serve him with notice, so I don't
24 know.

25 Q. Okay. So you have no personal knowledge that

1 he has notice of today's hearing?

2 A. I do not.

3 MS. EDGECOMB: Okay. Thank you.

4 THE WITNESS: Thank you.

5 MR. WILSON: Your Honor, she's not going to
6 like this, but I would like to call your coordinator,
7 Melissa Butler, as a witness.

8 MS. EDGECOMB: We'll, I'm going to object.
9 She was in here and counsel had every opportunity to
10 invoke the rule prior to that -- prior to calling her.

11 MR. WILSON: Well...

12 THE COURT: I think that we can let her
13 testify.

14 Let me swear you in.

15 (Witness sworn)

16 You may be seated.

17 MELISSA BUTLER,

18 having been first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. WILSON:

21 Q. For the record could you state your name.

22 A. Melissa Butler.

23 Q. And, Ms. Butler, how are you employed?

24 A. In the 443rd as the court coordinator.

25 Q. And are you responsible for setting the dockets

1 and schedulings of the Court's matters?

2 A. Yes, sir.

3 Q. And yesterday did you receive a phone call from
4 an individual who purported to be Bill or William
5 Windsor?

6 A. Yes, sir.

7 Q. And is that a name you're familiar with in this
8 court?

9 A. Yes, sir.

10 Q. And what did that individual -- what was the
11 purpose of that individual calling you?

12 A. To state that he would not be at the hearing,
13 and he would be appearing by telephone.

14 Q. And was that in reference to this hearing we're
15 having right now at 1:30?

16 A. Yes, sir.

17 Q. So obviously that person knew about this
18 hearing; is that correct?

19 A. Yes, sir.

20 MR. WILSON: Pass the witness.

21 CROSS-EXAMINATION

22 BY MS. EDGECOMB:

23 Q. And when you indicated you spoke to somebody on
24 the telephone are you -- are you familiar with
25 Mr. Windsor's voice?

1 A. Yes, ma'am.

2 Q. And did Mr. Windsor indicate to you that he had
3 not received notice of the hearing?

4 A. He never stated he rec -- he stated that
5 someone contacted him about the hearing.

6 Q. Okay. But do you schedule hearings?

7 A. Yes, ma'am.

8 Q. Okay. And for this scheduling today how did
9 you receive notice to schedule it?

10 A. It was filed with the clerk's office.

11 Q. Okay. And once it's filed with the clerk's
12 office, how do get a hold of a person, like a defendant
13 or anybody else that's scheduled -- attached to the
14 hearing? How do you notify them?

15 A. If it's a -- if the attorney's asking for the
16 setting then I would not send notice.

17 Q. So if it's a pro se, how would you contact a
18 pro se?

19 A. If the pro se litigant filed for the notice?

20 Q. Whoever filed for the notice, how do you
21 contact a pro se?

22 A. That's not my obligation as a pro -- like I
23 wouldn't send notice to you if you were the attorney of
24 record nor would I send notice to the pro se because it
25 was set by the attorney.

1 Q. Okay. So if the State filed it then you would
2 not contact anybody about notice?

3 A. Correct.

4 Q. That's what I was getting to. Okay. So if the
5 State filed this hearing you wouldn't have contacted
6 Mr. Windsor to inform him there was a hearing?

7 A. No, ma'am.

8 Q. Okay. And unless you would have known he had
9 an attorney you still wouldn't have contacted the
10 attorney either?

11 A. Correct.

12 Q. You would then rely on the State to make that
13 contact and that notice?

14 A. Yes, ma'am.

15 MS. EDGECOMB: Thank you. No further
16 questions.

17 MR. WILSON: I have --

18 THE COURT: Mr. Wilson?

19 MR. WILSON: -- no further questions.

20 THE COURT: All right. You may step down.
21 Mr. Wilson, anything else?

22 MR. WILSON: No, Your Honor.

23 THE COURT: Bailiff, can you go out and
24 call for William N. -- M. Windsor, please?

25 THE BAILIFF: Yes, ma'am.

1 No response, Judge.

2 THE COURT: Thank you. Bailiff called the
3 halls. Mr. William M. Windsor is not here. You fill
4 out a certificate of call for me?

5 THE BAILIFF: Yes, ma'am.

6 THE COURT: Thank you.

7 Mr. Wilson, you got the -- you received the
8 governor's warrant when you got back from Christmas
9 holiday on the 26th?

10 MR. WILSON: Sheriff's Office did.

11 THE COURT: Sheriff's Office?

12 MR. WILSON: Yes, Your Honor. I can show
13 it to you if you would like to see it.

14 THE COURT: Yes, I would like to see it.

15 MS. EDGECOMB: Can we get a copy of that
16 also, Judge?

17 THE COURT: Actually, it isn't mine to give
18 a copy of.

19 MR. WILSON: I don't know that it's mine to
20 give a copy of either.

21 THE COURT: It's a warrant.

22 MR. WILSON: I'm not real comfortable --

23 THE COURT: No.

24 MR. WILSON: -- providing copies of
25 warrants.

1 THE COURT: Yeah. There won't be a copy
2 made today, Ms. Edgecomb.

3 MS. EDGECOMB: Okay.

4 THE COURT: Any party want to argue?

5 MS. EDGECOMB: Just briefly, Judge.

6 THE COURT: Sure.

7 MS. EDGECOMB: Just on notice, Judge.

8 That's it.

9 THE COURT: Yes.

10 MS. EDGECOMB: Basically then this sounds
11 like just an emergency motion to appear is what it's
12 sounding like and/or surrender, and as indicated again
13 Mr. Windsor received no notice that the warrant was
14 issued and/or that there was an attempt to serve. There
15 was no notice made today of the emergency hearing. If
16 they want him to surrender all they have to do is
17 contact him and we'll -- I mean could have contacted my
18 office. I probably could have contacted him myself too
19 and had him surrender had I known there was a warrant.
20 Obviously -- but -- I mean I certainly understand
21 Mr. Wilson is coming from and didn't know that could
22 have been a possibility. I would have been able to
23 totally get him to surrender. As it is, he didn't have
24 notice of today's hearing, and that's the only reason he
25 contacted my office was to find out what the hearing was

1 about. I believe the Court -- and keep in mind, Judge,
2 I wasn't here that day on the last hearing again, but I
3 believe the Court indicated that he could surrender
4 himself to Montana. I'm not sure if that's what the
5 Court indicated.

6 So there was a -- I think there's an
7 indication on that notice or that motion that should
8 have been filed -- I don't think -- and you indicated
9 there's no filing, Judge. So I do apologize.

10 THE COURT: That's okay.

11 MS. EDGECOMB: That indicated that he has
12 been told he could surrender himself to Montana and that
13 he's made contact with an attorney in Montana. So
14 there's also -- there's obviously a very good
15 possibility that that's a possibility that he might
16 already be in Montana. I -- you know honestly, I really
17 don't know, Judge.

18 THE COURT: I understand.

19 MS. EDGECOMB: I don't know where
20 Mr. Windsor is located right now other than -- the only
21 thing we're arguing right now is the notice for today's
22 hearing, and if he needs to be here to surrender
23 himself, fine. I'll contact him. We'll get him to
24 surrender himself if we can get another court date.
25 That's fine unless I can find out also are you

1 surrendering yourself to Montana, in which case, at that
2 point obviously Mr. Wilson's got every right to ask for
3 the bond to be forfeited if he doesn't appear by that
4 next hearing date. We just need enough sufficient time.
5 I mean -- what is today? Today's --

6 THE COURT: The 30th.

7 MS. EDGECOMB: I mean Tuesday -- Tuesday?
8 We're on Tuesday? I'm sorry. I'm just lost this week.
9 Working through Christmas. If we want do it by Friday,
10 I can have him hear by Friday. Court open on Friday?

11 THE COURT: Yes. We're just not open
12 Thursday.

13 MS. EDGECOMB: I'm just trying to remember
14 for Dallas days also, Judge. I'm not sure which courts
15 are open and which of them are closed.

16 THE COURT: I think we're just closed
17 Thursday. Yeah.

18 MS. EDGECOMB: So we're just closed
19 Thursday? I'm working through the holiday. So if we
20 need to reschedule this and get him here and be here by
21 Friday, obviously that's more than enough time to get
22 him here, say hey, governor's warrant's been issued, you
23 need to surrender yourself. Either go directly to the
24 Sheriff's Office, get yourself surrendered and/or you
25 need to appear for this hearing, in which case you're

1 going to be taken into custody, one or the other get
2 yourself surrendered, get yourself to the hearing, one
3 or both or if you do not appear this bond is going to be
4 forfeited in which case you need to be in Montana at
5 that point because the judge also did inform you you
6 could surrender yourself to Montana as well. So if
7 you're in Montana I need to know as well or the Court
8 needs know so they know how to proceed at that point.
9 Give us proof you're in Montana too. That's the only
10 thing we're asking. I mean obviously he didn't receive
11 sufficient notice of this hearing. I don't know --
12 other than calling Mr. Wilson to the stand, I have no
13 idea how he served notice.

14 THE COURT: I think he said he faxed it to
15 the hotel -

16 MR. WILSON: Right.

17 THE COURT: -- correct?

18 MR. WILSON: And that's in my certificate
19 of service, and I have the fax confirmation that that's
20 where it was sent to.

21 MS. EDGECOMB: I mean that's all we have.
22 That's it.

23 THE COURT: Thank you.

24 MS. EDGECOMB: So...

25 THE COURT: Thank you.

1 MS. EDGECOMB: Thanks.

2 THE COURT: Mr. Wilson?

3 MR. WILSON: Again, he -- Mr. Windsor
4 signed an instanter PR bond on December the 19th.
5 Notice of this proceeding was sent to his hotel
6 yesterday. Frankly, that was only a courtesy. He is
7 currently a wanted man in two states at this point in
8 time. I don't have any obligation to provide him notice
9 to surrender himself. If he wants to surrender himself,
10 he can walk into any police station at in any moment in
11 time and do that. We don't need to reset this matter so
12 he can -- a fugitive can surrender himself. I would
13 simply ask that you forfeit the bond. I don't believe
14 there's a need to issue an additional capias or warrant
15 at this point in time because of the active warrant
16 that's already out there, and I ask that you forfeit his
17 bond.

18 THE COURT: Thank you. Ms. Edgecomb, do
19 you want to -- before I rule do you want to step out and
20 call him and find his location?

21 MS. EDGECOMB: I don't have --

22 THE COURT: See if he's close -- nearby?

23 MS. EDGECOMB: I don't have a number,
24 Judge, unfortunately. I mean I --

25 THE COURT: We have his number.

1 MS. EDGECOMB: Oh, do you?
2 THE COURT: Uh-huh.
3 MS. EDGECOMB: Oh, yeah, I mean I can.
4 THE COURT: Yes.
5 MS. EDGECOMB: We can try and see if we can
6 get a hold of him.
7 THE COURT: Let's try that.
8 MS. EDGECOMB: Okay.
9 THE COURT: The number he gave us on the
10 extradition appearance bond is 770 --
11 MS. EDGECOMB: Okay.
12 THE COURT: -- 578 --
13 MS. EDGECOMB: Okay.
14 THE COURT: -- 1094.
15 MS. EDGECOMB: Okay.
16 THE COURT: Why don't we just go off the
17 record for a minute and let you step out and see if you
18 can call him.
19 MS. EDGECOMB: Great.
20 THE COURT: That's the number he uses,
21 Ms. Edgecomb.
22 MS. EDGECOMB: Okay. All right.
23 THE COURT: Off the record.
24 (Break in proceedings)
25 THE COURT: Back on the record in William

1 M. Windsor, Extradition, but it's actually the Emergency
2 Hearing and Order of Surrender hearing today.

3 Yes, Ms. Edgecomb?

4 MS. EDGECOMB: In calling that telephone
5 number it only indicates that because of so many phone
6 calls that are coming through you will -- it's best to
7 contact me by e-mail. That's what it says exactly.

8 THE COURT: Yeah --

9 MS. EDGECOMB: If you call it, you'll find
10 out that's exactly what it says, Judge. But you can
11 only leave a message and/or -- I tried to send an
12 e-mail. Obviously, we can't sit here forever waiting on
13 a response.

14 THE COURT: True. I agree.

15 MS. EDGECOMB: Sounds like that's the only
16 other means of communication at this point. If that's
17 going to be the only means of communication, obviously,
18 you know -- certainly it's a warrant. I certainly
19 understand Mr. Wilson's position on the warrant at this
20 point. However, he's asking for a hearing to appear and
21 we're just -- we're just arguing we should have had
22 sufficient notice for that appearance. That's -- that's
23 all we're arguing, Judge.

24 THE COURT: Patrick, that -- that
25 governor's warrant is an active warrant now, isn't it?

1 MR. WILSON: Yes. I mean -- yes.

2 THE COURT: Okay. I thought it was. I
3 just wanted to make sure.

4 On December 19th when we were here I
5 authorized a PR bond of \$100,000, and it was instanter.
6 Mr. Windsor asked several questions about that instanter
7 that it meant if that governor's warrant came in
8 Mr. Wilson or the Sheriff's deputies or someone would go
9 out with the governor's warrant and arrest him. I made
10 the date for the hearing -- the extradition hearing on
11 January 21st of 2015, but informed Mr. Windsor and the
12 State that if the warrant came in sooner we would move
13 that date up earlier.

14 Mr. Windsor gave me the address of the
15 Marriott Courtyard as a condition of his PR bond because
16 I did not want him to go anywhere but Montana if he was
17 going anywhere. He told me that he was going to be
18 living at the Marriott Courtyard in Richardson. He also
19 was supposed to inform me if he leaves that residence,
20 and if he traveled to Montana he was to call and let me
21 know. The Court has no phone calls of any of that. He
22 also left on the extradition appearance bond the address
23 of the hotel and that phone number. He did not give any
24 e-mail address for a way for the Court or the officers
25 to reach him on that appearance bond. I am still

1 setting the date for January 21st, 2015 at nine a.m. for
2 the extradition hearing, but I am going to revoke his PR
3 bond as I believe he has violated this condition of
4 bond. I do not believe he is staying at the Marriott
5 Courtyard. He has not contacted the Court.

6 He informed my office that he knew about
7 the hearing and he was not going be here but he would be
8 by phone which informs -- think -- tells me he's not in
9 Richardson and that concerns the Court.

10 MS. EDGECOMB: And -- and, Judge, I don't
11 mean to cut you off.

12 THE COURT: That's okay.

13 MS. EDGECOMB: If I could make one -- I did
14 not realize that the Court had ordered that he would
15 inform the Court if he would travel to Montana.

16 THE COURT: Yes. I told him if he leaves
17 the hotel he must inform me if he's going to Montana.

18 MS. EDGECOMB: Correct.

19 THE COURT: Otherwise he is to stay here --

20 MS. EDGECOMB: Correct and --

21 THE COURT: -- at the hotel.

22 MS. EDGECOMB: The motion we are
23 discussing, Judge --

24 THE COURT: Yes.

25 MS. EDGECOMB: If you recall I was asking

1 if he had filed anything. He sent something and I just
2 hadn't had a chance to file it, Judge, and I do
3 apologize about that.

4 THE COURT: That's all right.

5 MS. EDGECOMB: It clearly states on here
6 that he was traveling to Montana.

7 Give me just a second.

8 THE COURT: Sure.

9 MS. EDGECOMB: On December the 30th, he is
10 headed to Montana as discussed with this Court. That's
11 all I have on the motion. Of course I wasn't able to
12 file it.

13 THE COURT: Right. He had not informed the
14 Court he was headed to Montana. The call yesterday was
15 only to let us know he was not going to be at this
16 hearing.

17 MS. EDGECOMB: Correct. But had I filed
18 this in time, Judge, I think that would have been
19 sufficient notice that that is where in fact he is.

20 THE COURT: Well, I don't think that's your
21 fault that he just hired you. That's not -- that's not
22 your fault on that, Ms. Edgecomb.

23 MS. EDGECOMB: I just wanted to let the
24 Court know that he --

25 THE COURT: Mr. Wilson, were there calls to

1 Montana to see if he had shown up before then -- I mean
2 before --

3 MR. WILSON: Judge, I spoke with elected
4 district attorney in Missoula, Montana -- Missoula
5 County, Montana yesterday, and there was no indication
6 that he had done anything of the sort in my conversation
7 with him yesterday.

8 MS. EDGECOMB: The only thing that
9 indicates here, Judge -- which I can certainly file with
10 the Court. I mean it's long-winded, which I'm sure
11 you're used to. He is in route to Montana where he will
12 turn himself in to the authorities accompanied by a
13 Montana attorney, spoken with a law firm in -- I guess
14 it's Missoula. Is it Missoula, Montana?

15 THE COURT: It's Missoula County I think.

16 MR. WILSON: Yes.

17 MS. EDGECOMB: Oh, okay. All right.

18 THE COURT: Maybe it's Missoula, Montana.

19 MR. WILSON: Both.

20 THE COURT: Both?

21 MR. WILSON: I think city and county.

22 MS. EDGECOMB: I will -- I will indicate,
23 Judge, it just says law firm. It's not indicating --
24 it's not giving me specifics, and it does say attorney.
25 It's not giving me specifics either.

1 MR. WILSON: Judge, I think Ms. Edgecomb is
2 reading from online postings that Mr. Windsor is putting
3 out there, and I didn't really want to get into that but
4 I --

5 MS. EDGECOMB: Oh, it's actually --

6 MR. WILSON: Take that for what that's
7 worth.

8 MS. EDGECOMB: Well, that's true. No,
9 that's actually a motion, Judge. I do apologize. I
10 didn't have a chance to get that on file, but it's a
11 motion --

12 MR. WILSON: That's --

13 MS. EDGECOMB: That's just --

14 MR. WILSON: -- identical to what he's --

15 MS. EDGECOMB: Okay.

16 MR. WILSON: -- saying online.

17 MS. EDGECOMB: Which didn't get filed,
18 Judge. I do apologize. I thought he had filed it with
19 the Court.

20 THE COURT: Well, if he started driving
21 today he should be there by tomorrow. So the governor's
22 warrant is active, and as of right now I'm going off my
23 PR bond. If I get a call tomorrow and the State or the
24 officers let me know, you know, I'll hold that of not
25 showing up on mine but he has the governor's warrant.

1 If he's actually left today, he'll be there tomorrow.

2 MS. EDGECOMB: Okay. So we'll hold off on
3 the forfeiture just until tomorrow? The actual -- I see
4 what you're saying.

5 THE COURT: I'm going to -- I will forfeit
6 his bond, but I will not sign it until tomorrow.

7 MR. WILSON: Judge, I -- again I would
8 strongly urge you to sign it today. Mr. Windsor has had
9 ten or eleven days now since our hearing on the 19th,
10 the day he got out of jail, and I -- I -- there's no
11 reason to believe that this is anything other than an
12 additional manipulation of the legal system by
13 Mr. Windsor. Hiring Ms. Edgecomb at the 11th hour when
14 she has no knowledge of what she's walking into, and I
15 just believe he's -- he's getting what he wants if you
16 don't forfeit the bond today.

17 THE COURT: I apologize. I might have
18 misspoke. I'm going to forfeit his bond, but if I get a
19 call tomorrow I will pull that. If -- I'm sorry. I
20 think I misspoke.

21 MR. WILSON: All right.

22 THE COURT: Because when you started saying
23 that I was listening to what I said.

24 MR. WILSON: Okay.

25 THE COURT: I will -- I am going to sign it

1 today.

2 MS. EDGECOMB: Right.

3 THE COURT: But if he gets there

4 tomorrow --

5 MR. WILSON: It's moot --

6 THE COURT: -- it's moot.

7 MR. WILSON: -- once he turns himself in.

8 THE COURT: Right. Right.

9 MS. EDGECOMB: Well -- well, actually it's
10 not quite moot, Judge. I mean obviously if --

11 THE COURT: Right.

12 MS. EDGECOMB: -- it's a forfeiture, he's
13 going to owe on the forfeiture and --

14 THE COURT: That's right.

15 MS. EDGECOMB: -- he was concerned about
16 that.

17 THE COURT: That's right. I'm sure he is
18 concerned about that.

19 MS. EDGECOMB: I will make sure he knows
20 about that then.

21 THE COURT: Yes.

22 MS. EDGECOMB: Okay. All right. Thank
23 you, Judge.

24 THE COURT: Thank you. Anything further
25 from the State?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. WILSON: No, Your Honor.

THE COURT: Ms. Edgecomb, anything else?

MS. EDGECOMB: No.

THE COURT: All right.

(End of proceedings)

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.

I further certify that the total cost for the preparation of this Reporter's Record is \$234.00 and was paid by William M. Windsor.

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

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

Exhibit

2

CIVIL CAUSE NO. 90744

and EX 14-19

THE STATE OF TEXAS

Criminal Cause No. 14-158 -CR

VS.

FILED FOR RECORD
2014 DEC 30 PM 2:52

IN THE DISTRICT COURT

William M. Windsor
(Defendant/Principal) Surety

ELLIS COUNTY, TEXAS

and

MELANIE REED
DISTRICT CLERK
ELLIS COUNTY, TX

(Surety)

443RD JUDICIAL DISTRICT

JUDGMENT NISI

On December 30, 2014, the Court called for hearing the foregoing cause wherein William M. Windsor, Defendant stands charged by indictment with the felony offense of extradition hearing for State of Montana, as more fully set out and alleged in said instrument. The State of Texas appeared by its County and District Attorney. But the defendant, although duly bonded as directed by law, to appear and be present herein, came not, but failed and defaulted to appear and answer the foregoing charge, when this case was called for consideration. Whereupon, under direction of the Court, said defendant was distinctly called at the Courthouse door, and a reasonable time allowed for said defendant to respond to said call.

It appears to the Court, premises considered, that said defendant, as principal and surety, d/b/a _____, as surety, did on December 19, 2014, duly sign a written bond, on file in this cause, binding themselves by the terms thereof, for the personal appearance of said defendant to answer the above offense in this Court, at the above time and place. That said bond, conditioned according to the provisions therein contained, was made payable to the State of Texas, in the penal sum of \$ 100,000.00 and expressly provided that said defendant personally appear before this Court, at the Courthouse thereof, in Waxahachie, Texas, at the particular time set out in said bond, namely instanter, and there remain, and appear before this Court, and any other Court and Magistrate.

Said bond further provided that the foregoing principal and surety, agreed to pay all necessary and reasonable expenses incurred by any and all Sheriffs and other Peace officers in re-arresting said defendant, if required.

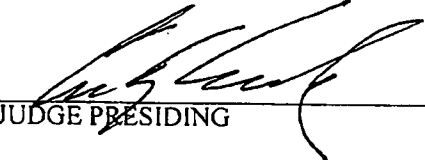
That said bond appears to be regular on its face, and sufficiently obligated the defendant to be present at the aforesaid time and place, but said defendant has failed and defaulted to appear and answer said charge herein, when required to do so when this cause was called for hearing; and that said bond should be forfeited against said defendant and surety as directed by law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that said bond be forfeited against said principal and surety, and that the State of Texas do have and recover judgment against said principal and surety, jointly and severally, for all necessary and reasonable expenses that may be incurred and occasioned by all Sheriffs and other Peace Officers in re-arresting said defendant.

IT IS HEREIN FURTHER ORDERED AND DECREED by the Court that this judgment be made final against said principal and surety at a hearing set by the Court for said purpose after said principal and surety have been duly cited, as directed by law, to appear and answer herein, and to present legal defense, if any, they may be able to offer, sufficient to exonerate the foregoing principal and surety from being liable for the forfeiture of said bond.

~~IT IS FURTHER ORDERED that an alias capias be issued for the re-arrest of the defendant. No bond is to be set at this time.~~

SIGNED this 30 day of December, 2014.



JUDGE PRESIDING

(Revised 11/2014)

Exhibit

3

STATE OF TEXAS

EXTRADITION APPEARANCE BOND

COUNTY OF ELLIS

Know All Men by These Presents:

That we, William M. Windsor as PRINCIPAL, and other subscribers hereto as Surety, are held and firmly bound unto the State of Texas in the penal sum of ~~\$100,000.00~~ PA Bond Dollars, and in addition, we are bound for the payment of all necessary and reasonable fees and expenses incurred by any and all Sheriffs and other Peace Officers in re-arresting the Principal in the event the conditions of the bond are violated. For the payment of which sum or sums, well and truly to be made, each of us do bind ourselves, our heirs, executors, and administrators, jointly and severally by these present.

The conditions of the above obligation is such that whereas the above named principal stands charged with OUT OF STATE FELONY AND MISDEMEANOR OFFENSES FROM THE STATE OF MONTANA, duly presented in the DISTRICT Court of ELLIS COUNTY, Texas, to wit: EXTRADITION HEARING FOR STATE OF MONTANA. Additional terms of release are attached to the bond.

Now if the above named principal shall well and truly make his appearance before said court INSTANTER, or upon notice of the court and further shall well and truly make his personal appearance before any Court or Magistrate to which said charge may be transferred or before whom this cause may hereafter be pending at any time when, and any place where his presence may be required under the Code of Criminal Procedure of the State of Texas or by any Court or Magistrate, and for all subsequent proceedings had relative to said charge and there remain from day to day and term to term until discharged by due course of law, then and there to answer the said accusations against him, then this obligation shall become null and void; otherwise to remain in full force and effect.

CASH BOND: Following the disposition of this case, any monies not held by the court will be paid to the person in the name of whom a receipt was issued, or to the defendant, if no other person is able to produce a receipt for the funds. PA Bond in the amount of one hundred thousand dollars -

Signed and dated on this 19 day of December, 2014.

| | |
|---|---|
| <u>William M. Windsor</u> Principal's Signature or Mark | _____ Surety's Signature |
| <u>WILLIAM M. WINDSOR</u> Principal's Printed Name | _____ Printed Name of Surety/Licensed Surety Company |
| <u>1000 S. SHERMAN</u> Principal's Permanent Address | _____ Surety's Mailing Address |
| <u>RICHARDSON TX 75081</u> City State Zip | _____ City State Zip |
| <u>774 578-1694</u> Principal's Telephone Number | _____ Surety's Telephone Number |
| Taken and approved this <u>19</u> day of <u>Dec</u> | Defendant/Principal's Information: |
| <u>Johnny Brown</u> , 20 <u>14</u> Sheriff of Ellis County, Texas. | Race: <u>W</u> Sex: <u>M</u> DOB: <u>10-3-1948</u> |
| By <u>[Signature]</u> #213 Deputy | Place of Birth: <u>WILMINGTON, DELAWARE</u> |
| <u>Cheri Ryan</u> Bond Received By | Date of Arrest: <u>10-28-2014</u> |
| <u>[Signature]</u> Principal's Signature Witnessed By | Arresting/Detaining Agency: <u>ELLIS COUNTY SHERIFF'S DEPT.</u> |
| <u>Cheri Ryan</u> Principal Released from Custody By | Warrant # _____ |
| | CASH <input checked="" type="checkbox"/> BOSS NUMBER SURETY NAMED HEREIN HAS COLLATERAL IN THE AMOUNT INDICATED AND, IF SUBMITTED FOR APPROVAL, I WOULD ACCEPT SAME. |
| | JOHNNY BROWN, SHERIFF ELLIS COUNTY TEXAS By <u>[Signature]</u> Deputy |

AGAINST THE PEACE AND DIGNITY OF THE STATE

Anna P. Hooper
FOREMAN OF THE GRAND JURY

Exhibit

4

CAUSE NO. 39746 CR
DA# 15-11241

THE STATE OF TEXAS
V.
WILLIAM M. WINDSOR

OFFENSE: BAIL JUMPING AND
FAIL TO APPEAR

OFFENSE CODE: 50150004

FILED FOR RECORD

COPY

2015 JAN 14 AM 18:47

MELANIE REED
DISTRICT CLERK
ELLIS COUNTY, TX

AFTER INDICTMENT
WARRANT

§
§
§
§
§
§
§
§
§
§
§
§
§

§ (This Space For Clerk's Use)

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

The Grand Jurors, duly selected, organized, sworn and impaneled as such for the County of Ellis, State of Texas, at the JANUARY 2015 Term of the 40th Judicial District Court for said County, upon their oaths present in and to said Court that on or about December 30, 2014, and before the presentment of this indictment, in the County and State aforesaid, WILLIAM M. WINDSOR did then and there, after being lawfully released from custody on a pending felony charge on condition that he subsequently appear in court, intentionally or knowingly fail to appear in accordance with the terms of his release, to-wit: see attached bond

STATE OF TEXAS

EXTRADITION APPEARANCE BOND

COUNTY OF ELLIS

Know All Men by These Presents:

That we, William M. WINDSON as PRINCIPAL, and other subscribers hereto as Surety, are held and firmly bound unto the State of Texas in the penal sum of \$100,000.00 PR Bond Dollars, and in addition, we are bound for the payment of all necessary and reasonable fees and expenses incurred by any and all Sheriffs and other Peace Officers in re-arresting the Principal in the event the conditions of the bond are violated. For the payment of which sum or sums, well and truly to be made, each of us do bind ourselves, our heirs, executors, and administrators, jointly and severally by these present.

The conditions of the above obligation is such that whereas the above named principal stands charged with OUT OF STATE FELONY AND MISDEMEANOR OFFENSES FROM THE STATE OF MONTANA, duly presented in the DISTRICT Court of ELLIS COUNTY, Texas, to wit: EXTRADITION HEARING FOR STATE OF MONTANA. Additional terms of release are attached to the bond.

Now if the above named principal shall well and truly make his appearance before said court INSTANTER, or upon notice of the court and further shall well and truly make his personal appearance before any Court or Magistrate to which said charge may be transferred or before whom this cause may hereafter be pending at any time when, and any place where his presence may be required under the Code of Criminal Procedure of the State of Texas or by any Court or Magistrate, and for all subsequent proceedings had relative to said charge and there remain from day to day and term to term until discharged by due course of law, then and there to answer the said accusations against him, then this obligation shall become null and void; otherwise to remain in full force and effect.

CASH BOND: Following the disposition of this case, any monies not held by the court will be paid to the person in the name of whom a receipt was issued, or to the defendant, if no other person is able to produce a receipt for the funds. PR Bond in the amount of one hundred thousand dollars -

Signed and dated on this 19 day of December, 2014.

| | |
|---|---|
| <u>William M. Windson</u> Principal's Signature or Mark | _____ Surety's Signature |
| <u>William M. WINDSON</u> Principal's Printed Name | _____ Printed Name of Surety/Licensed Surety Company |
| <u>1000 S. SHERMAN</u> Principal's Permanent Address | _____ Surety's Mailing Address |
| <u>RICHARDSON TX 75081</u> City State Zip | _____ City State Zip |
| <u>274 578-1094</u> Principal's Telephone Number | <u>()</u> Surety's Telephone Number |
| Taken and approved this <u>19</u> day of <u>Dec</u> | Defendant/Principal's Information: |
| <u>Johnny Brown</u> , 20 <u>14</u> Sheriff of Ellis County, Texas. | Race: <u>W</u> Sex: <u>M</u> DOB: <u>10-2-1948</u> |
| By <u>[Signature] #213</u> Deputy | Place of Birth: <u>COLUMBUS, GEORGIA</u> |
| <u>Cheri Ryan</u> Bond Received By | Date of Arrest: <u>10-28-2014</u> |
| <u>James Cook</u> Principal's Signature Witnessed By | Arresting/Detaining Agency: <u>ELLIS COUNTY SHERIFFS DEPT.</u> |
| <u>Cheri Ryan</u> Principal Released from Custody By | Warrant # _____ |
| | CASH <input type="checkbox"/> BOEITHUM THE SURETY NAMED HEREIN HAS COLLATERAL IN THE AMOUNT INDICATED AND, IF SUBMITTED FOR APPROVAL, I WOULD ACCEPT SAME. |
| | <u>JOHNNY BROWN, SHERIFF</u> <u>ELLIS COUNTY TEXAS</u> |
| | By <u>Cheri Ryan</u> Deputy |

AGAINST THE PEACE AND DIGNITY OF THE STATE

FOREMAN OF THE GRAND JURY

Exhibit

5

ORIGINAL

CAPIAS - DISTRICT COURT

DCW4046

Cause No: 39746CR

THE STATE OF TEXAS

§
§
§
§
§

IN THE 40TH JUDICIAL DISTRICT COURT

VS.

OF

WINDSOR, WILLIAM M.

ELLIS COUNTY, TEXAS

TO ANY PEACE OFFICER OF THE STATE OF TEXAS, GREETING:

YOU ARE HEREBY COMMANDED TO arrest WILLIAM M. WINDSOR and keep him safely so that you have said him before the Honorable 40TH JUDICIAL DISTRICT COURT of Ellis County, Texas, at the Courthouse of said County, in Waxahachie, Texas ****INSTANTER****, then and there to answer THE STATE OF TEXAS upon a charge by indictment pending in said Court, charging WILLIAM M. WINDSOR with the offense of BAIL JUMPING AND FAIL TO APPEAR FELONY, on 12/30/2014.

HEREIN FAIL NOT, but due return make hereof to this court

**** INSTANTOR ****

WITNESS my hand and seal of said office, at Waxahachie, Texas this 21st day of January, 2015.

Melanie Reed, District Clerk
109 S. Jackson Street Rm. 209
Waxahachie, TX 75165 972 825-5000

RECEIVED
2015 JAN 21 PM 2:38A
ELLIS COUNTY
SHERIFF'S DEPT.

By: [Signature] Deputy
Kate Roberson

| | | | | |
|----------------|-----------------|--------------|------------|-------------|
| DOB:10/02/1948 | SS#:453-82-4479 | DL#:01464195 | SEX:M | ALIAS: |
| RACE:W | EYES:GR | HAIR:GR | HEIGHT:600 | WEIGHT: 240 |

Amount of Bail: \$1,000,000
Address: 1000 S. SHERMAN , RICHARDSON, TX, 75081

SHERIFF'S RETURN

Came to hand the _____ day of _____, 20____, at _____ o'clock ____M., and executed on the _____ day of _____, 20____, at _____ o'clock ____M., by arresting the within named WILLIAM M. WINDSOR at _____ in _____ County, and placing WINDSOR, WILLIAM M. in County Jail of _____ County, Texas.

Johnny Brown, Ellis County Sheriff

By: _____ Deputy