

## TEXAS CODE OF CRIMINAL PROCEDURE

### TITLE 1. CODE OF CRIMINAL PROCEDURE

#### CHAPTER 51. FUGITIVES FROM JUSTICE

**Art. 51.01. DELIVERED UP.** A person in any other State of the United States charged with treason or any felony who shall flee from justice and be found in this State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime. (Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.)

**William M. Windsor Commentary<sup>1</sup>:** This statute requires that the allegedly-accused be a fugitive from a state other than Texas. This means the allegedly-accused must have committed a crime in the other state and then fled (left) that state. If the allegedly-accused is not accused of fleeing from another state, this statute does not apply.

If an allegedly-accused person is detained by law enforcement on an extradition matter, the first thing to do is to demand to see all documents that law enforcement claims gives them the right to detain an allegedly-accused person. If those documents do not claim that the allegedly-accused person committed a crime in the other state and then left that state, then Article 51.01 does not apply.

Do not give up your right to remain silent; don't answer any questions. Just ask questions; ask to see the documents. Also ask what Texas Statute gives law enforcement the authority to arrest or detain you, and insist that you be given a copy to review. If you weren't in that state at the time claimed, ask someone on the outside to go through your expense receipts or other information that will prove you were not in that state. Get affidavits from people who can attest that you were in Texas or elsewhere at the time.

NOTE: I use the term "allegedly-accused" because you do not want to admit to being the person sought. You have the right to remain silent. Make the authorities prove that you were in another state and committed a crime and are the same person being sought. In extradition, proving your identity is one of only four factors that you can fight with a petition for writ of habeas corpus if a Texas Governor's Warrant is issued. If you are detained by a Texas law enforcement agency (police department, sheriff's department), you will want to file a petition for writ of habeas corpus charging that you were illegally arrested.

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<sup>1</sup> William M. Windsor is not an attorney, and this document is not legal advice. William M. Windsor is an activist fighting government, judicial, and law enforcement corruption who is representing himself in an alleged criminal case (14-158 in Ellis County Texas) that seeks to extradite him from Texas to Montana. The information herein is the result of many hours of legal research. The statutes are very clear on extradition, and Texas law enforcement, jails, prosecutors, and judges (at least in Ellis County) violate the law and their victims never realize it.

**State of Texas v. William M. Windsor, 14-158, District Court, Ellis County Texas (2014):** There is no indication that Windsor was alleged to be a fugitive (a person who committed a crime in one state and then left that state to go to another state or country). The Bench Warrant (**Exhibit A**) says no such thing. In fact, it only speaks to arrest in Montana. Also note that the fax date and time stamp is October 29, 2014 – 24 hours after Windsor was detained at 6:00 pm on October 28, 2014. It appears there was not even a “bench warrant” in hand when Ellis County Sheriff’s deputies handcuffed Windsor and took him to jail.

Windsor did not commit a crime in Montana and flee the state. Any such allegation will be manufactured. Windsor can prove his whereabouts with receipts and witnesses from August 28, 2013 to the present, and he was nowhere near Montana.

The Bench Warrant (**Exhibit A**) provides no identification of the accused – just a name shared by many, including a number of Texans and Prince William.

The “entire file of the District Attorney” (Exhibit A – Exhibit B – Exhibit C) does not include any documentation to indicate that the Executive Authority of Montana made any demand.

If Ellis County Texas claims that Article 51.01 applies, this statute was violated, and Windsor was detained illegally.

**Art. 51.02. TO AID IN ARREST.** All peace officers of the State shall give aid in the arrest and detention of a fugitive from any other State that he may be held subject to a requisition by the Governor of the State from which he fled. (Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.)

**William M. Windsor Commentary:** Article 51.02 requires that the allegedly-accused be a fugitive from a state other than Texas. This means the allegedly-accused must have committed a crime in the other state and then fled (left) that state.

So, the first thing to do is to demand to see all documents that law enforcement claims gives them the right to detain an allegedly-accused person. If those documents do not claim that the allegedly-accused person committed a crime in the other state and then left that state, then Article 51.02 does not apply.

Do not give up your right to remain silent; don’t answer any questions. Just ask questions; ask to see the documents. Also ask what Texas Statute gives law enforcement the authority to arrest or detain you, and insist that you be given a copy to review.

**State of Texas v. William M. Windsor, 14-158, District Court, Ellis County Texas (2014):** Windsor was not a fugitive, and there is nothing in the “entire file of the District Attorney” to indicate that this was claimed (**Exhibit A, Exhibit B, Exhibit C.**)

If Ellis County Texas claims that Article 51.02 applies, this statute was violated, and Windsor was detained illegally.

**Art. 51.03. MAGISTRATE'S WARRANT.** When a complaint is made to a magistrate that any person within his jurisdiction is a fugitive from justice from another State, he shall issue a warrant of arrest directing a peace officer to apprehend and bring the accused before him. (Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.)

**William M. Windsor Commentary:** Article 51.03 requires that a complaint has been made to a Texas magistrate and that the Texas magistrate has issued a warrant of arrest. There is supposed to be a properly-certified transcript of an indictment to show that the allegedly-accused has been properly charged with a crime (see Art. 51.05).

If there is no Texas Magistrate Warrant of Arrest, then there is no legal basis for the allegedly-accused to be arrested or detained pursuant to Article 51.

Remember where this report is posted on the Internet, and ask to have it accessed and printed. Show it to the peace officer (policeman or sheriff's deputy usually), and show them that a Texas Magistrate Warrant of Arrest is required. If the peace officer doesn't have one and claims Article 51 applies, demand your release. If you are released, get out of there before they race around and get a Texas Magistrate Warrant of Arrest.

**State of Texas v. William M. Windsor, 14-158, District Court, Ellis County Texas (2014):** There was no complaint. The "entire file of the District Attorney" is Exhibit A – Exhibit B – Exhibit C; there is no complaint, and there was no complaint made to a Texas Magistrate. Windsor was not a fugitive, as explained above. There is no warrant of arrest. A Montana Bench Warrant is not a Texas magistrate's warrant of arrest.

If Ellis County Texas claims that Article 51.03 applies, this statute was violated, and Windsor was detained illegally.

**Art. 51.04. COMPLAINT.** The complaint shall be sufficient if it recites:

1. The name of the person accused;
2. The State from which he has fled;
3. The offense committed by the accused;
4. That he has fled to this State from the State where the offense was committed; and
5. That the act alleged to have been committed by the accused is a violation of the penal law of the State from which he fled. (Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.)

**William M. Windsor Commentary:** Article 51.04 requires that a very specific complaint has been made to a Texas magistrate before the Texas magistrate has issued a Texas warrant of arrest.

If there is no Complaint, then there is no legal basis for the allegedly-accused to be arrested or detained pursuant to this Article. If there is no complaint and law enforcement claims this Article applies, demand your release.

**State of Texas v. William M. Windsor, 14-158, District Court, Ellis County Texas (2014):** There was no complaint at all, much less the specifics required by this statute. The “entire file of the District Attorney” is Exhibit A – Exhibit B – Exhibit C; there is no complaint, and there was no complaint made to a Texas Magistrate. There is nothing to identify Windsor. Windsor wasn’t in Montana, and he can prove it.

There is nothing in the Bench Warrant (Exhibit A) saying that Windsor fled from Montana to Texas. There is nothing in the Bench Warrant that says Windsor is “alleged to have violated the Penal Code of Montana.” The “Affidavit of probable Cause” is signed by the Ellis County Sheriff’s Deputy who took Windsor from the courthouse to the Ellis County Jail. He had no way of knowing anything about Windsor but a similarity in name to the name on the Bench Warrant.

There is nothing in the so-called “Affidavit of Probable Cause” (Exhibit B) that says William M. Windsor fled from Montana to Texas as would be required under this statute. Nor is there anything in it that says William M. Windsor is “alleged to have violated the penal code of Montana.” In fact, it says William M. Windsor committed “a misdemeanor that is against the laws of the State of Texas.” Windsor has no protective order in Texas and certainly didn’t violate one. The Affidavit of Probable Cause (Exhibit B) is blank where warrant information is supposed to be, and it does not have the teletype confirmation report that is required as emphasized in bold type. So, the Affidavit of Probable Cause is worthless.

If Ellis County Texas claims that Article 51.04 applies, this statute was violated, and Windsor was detained illegally.

**Art. 51.05. BAIL OR COMMITMENT.** When the accused is brought before the magistrate, he shall hear proof, and if satisfied that the accused is charged in another State with the offense named in the complaint, he shall require of him bail with sufficient security, in such amount as the magistrate deems reasonable, to appear before such magistrate at a specified time. In default of such bail, he may commit the defendant to jail to await a requisition from the Governor of the State from which he fled. A properly certified transcript of an indictment against the accused is sufficient to show that he is charged with the crime alleged. One arrested under the provisions of this title shall not be committed or held to bail for a longer time than ninety days. (Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.)

**William M. Windsor Commentary:** Article 51.05 requires that the allegedly-accused (1) is brought before a Texas magistrate, (2) hears proof from the Texas magistrate that the allegedly-accused is charged with a crime in another state with the offense named in the complaint. Then the Texas magistrate grants a bail amount to appear before the

Texas magistrate at a specified time. There is supposed to be a properly-certified transcript of an indictment to show that the allegedly-accused has been properly charged with a crime.

If there is no proof and no appearance before a Texas magistrate where proof is presented, there is no legal basis for the allegedly-accused to be arrested or detained pursuant to this Article.

Remember where this report is posted on the Internet, and ask to have it accessed and printed. But if those things exist, then the Texas Magistrate is to order a Texas bail amount. Some Texas law enforcement authorities, such as the Ellis County Sheriff's Department and Ellis County District Attorney's Office, claim the bond is from another state. This blatantly violates the law.

Ask for everything to be in writing and recorded. Note the names of the people involved, badge numbers, etc.

**State of Texas v. William M. Windsor, 14-158, District Court, Ellis County Texas (2014):** Article 51.05 required that Windsor be brought before a magistrate who was to then hear proof, and if satisfied that Windsor was charged in another state with the offense named in the complaint, the magistrate was to set bond in a reasonable amount to appear **before him** at a specified time. A properly-certified transcript of an indictment against Windsor was needed to show that he was charged with the crime alleged.

Windsor was never taken before a magistrate in the manner required. The Magistrate made no inquiries as to Windsor's identity. The Magistrate set a \$100,000 bond. The document (**Exhibit C**) clearly states that he is a Texas magistrate. The Ellis County Jail later claimed that Windsor was required to post a Montana bond that was acceptable to the Montana judge. If Article 51.05 applies to Windsor's case, the bond was to be a Texas bond to require him to appear before the Texas Magistrate at a specified time. That was not done. A Montana bond cannot do that.

There is no indictment, and thus there is no certified transcript of an indictment.

There is nothing sufficient to show Windsor is charged with the crime alleged. In fact, it says "Affidavits charging you with these offenses (has not) been filed in this court."

The Magistrate's document (Exhibit C) has an unsigned probable cause section. No facts had been presented to the Magistrate to him under oath, so he was unable to find probable cause.

It is very clear that Exhibit A, Exhibit B, and Exhibit C (the "entire file of the District Attorney") establish that Windsor was "arrested," incarcerated, and held without bond in violation of the laws of Texas.

**Art. 51.06. NOTICE OF ARREST.** The magistrate who held or committed such fugitive shall immediately notify the Secretary of State and the district or county attorney of his county of such fact and the date thereof, stating the name of such fugitive, the State from which he fled, and the crime with which he is charged; and such officers so notified shall in turn notify the Governor of the proper State. (Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.)

**Art. 51.07. DISCHARGE.** A fugitive not arrested under a warrant from the Governor of this State before the expiration of ninety days from the day of his commitment or the date of the bail shall be discharged. (Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.)

**William M. Windsor Commentary:** Note that 90 days is the maximum time that an allegedly-accused person may be held in Texas if the allegedly-accused is a fugitive from another state. This is different from the Uniform Criminal Extradition Act where an allegedly-accused person is to be discharged after 30 days.

**Art. 51.08. SECOND ARREST.** A person who has once been arrested under the provisions of this title and discharged under the provisions of the preceding Article or by habeas corpus shall not be again arrested upon a charge of the same offense, except by a warrant from the Governor of this State. (Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.)

**William M. Windsor Commentary:** Note that if the allegedly-accused is discharged, the allegedly-accused may not be re-arrested in Texas except with a Texas Governor's Warrant.

**Art. 51.09. GOVERNOR MAY DEMAND FUGITIVE.** When the Governor deems it proper to demand a person who has committed an offense in this State and has fled to another State, he may commission any suitable person to take such requisition. The accused, if brought back to the State, shall be delivered up to the sheriff of the county in which it is alleged he has committed the offense. (Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.)

**Art. 51.10. PAY OF AGENT; TRAVELING EXPENSES.**

Sec. 1. The officer or person so commissioned shall receive as compensation the actual and necessary traveling expenses upon requisition of the Governor to be allowed by such Governor and to be paid out of the State Treasury upon a certificate of the Governor reciting the services rendered and the allowance therefor.

Sec. 2. The commissioners court of the county where an offense is committed may in its discretion, on the request of the sheriff and the recommendation of the district attorney, pay the

actual and necessary traveling expenses of the officer or person so commissioned out of any fund or funds not otherwise pledged. (Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.)

**Art. 51.11. REWARD.** The Governor may offer a reward for the apprehension of one accused of a felony in this State who is evading arrest, by causing such offer to be published in such manner as he deems most likely to effect the arrest. The reward shall be paid out of the State Treasury to the person who becomes entitled to it upon a certificate of the Governor reciting the facts which entitle such person to receive it. (Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.)

**Art. 51.12. SHERIFF TO REPORT.** Each sheriff upon the close of any regular term of the district or criminal district court in his county, or within thirty days thereafter, shall make out and mail to the Director of the Department of Public Safety a certified list of all persons, who, after indictment for a felony, have fled from said county. Such lists shall contain the full name of each such fugitive, the offense with which he is charged, and a description giving his age, height, weight, color and occupation, the complexion of the skin and the color of eyes and hair, and any peculiarity in person, speech, manner or gait that may serve to identify such person so far as the sheriff may be able to give them. The Director of the Department of Public Safety shall prescribe and forward to all sheriffs the necessary blanks upon which are to be made the lists herein required. (Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.)

**Art. 51.13. UNIFORM CRIMINAL EXTRADITION ACT.**

**William M. Windsor Commentary:** If Ellis County claims the arrest was pursuant to the Uniform Criminal Extradition Act, then Sections 4, 10, 13, 14, 15, 16, and 17 apply.

**Sec. 1. DEFINITIONS.** Where appearing in this Article, the term "Governor" includes any person performing the functions of Governor by authority of the laws of this State. The term "Executive Authority" includes the Governor, and any person performing the functions of Governor in a State other than this State, and the term "State", referring to a State other than this State, includes any other State organized or unorganized of the United States of America.

**Sec. 2. FUGITIVES FROM JUSTICE; DUTY OF GOVERNOR.** Subject to the provisions of this Article, the provisions of the Constitution of the United States controlling, and any and all Acts of Congress enacted in pursuance thereof, it is the duty of the Governor of this State to have arrested and delivered up to the Executive Authority of any other State of the

United States any person charged in that State with treason, felony, or other crime, who has fled from justice and is found in this State.

**Sec. 3. FORM OF DEMAND.** No demand for the extradition of a person charged with crime in another State shall be recognized by the Governor unless in writing, alleging, except in cases arising under Section 6, that the accused was present in the demanding State at the time of the commission of the alleged crime, and that thereafter he fled from the State, and accompanied by a copy of an indictment found or by information supported by affidavit in the State having jurisdiction of the crime, or by a copy of an affidavit before a magistrate there, together with a copy of any warrant which issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the Executive Authority of the demanding State that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information, or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that State; and the copy of indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the Executive Authority making the demand; provided, however, that all such copies of the aforesaid instruments shall be in duplicate, one complete set of such instruments to be delivered to the defendant or to his attorney.

**Sec. 4. GOVERNOR MAY INVESTIGATE CASE.** When a demand shall be made upon the Governor of this State by the Executive Authority of another State for the surrender of a person so charged with crime, the Governor may call upon the Secretary of State, Attorney General or any prosecuting officer in this State to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

**William M. Windsor Commentary:** Since the Texas Governor may investigate, write to the Governor. If there is wrongdoing, ask the Texas Governor to investigate.

**Sec. 5. EXTRADITION OF PERSONS IMPRISONED OR AWAITING TRIAL IN ANOTHER STATE OR WHO HAVE LEFT THE DEMANDING STATE UNDER COMPULSION.** When it is desired to have returned to this State a person charged in this State with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another State, the Governor of this State may agree with the Executive Authority of such other State for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other State, upon condition that such person be returned to such other State at the expense of this State as soon as the prosecution in this State is terminated.

The Governor of this State may also surrender on demand of the Executive Authority of any other State any person in this State who is charged in the manner provided in Section 23 of this Act with having violated the laws of the State whose Executive Authority is making the demand, even though such person left the demanding State involuntarily.

**Sec. 6. EXTRADITION OF PERSONS NOT PRESENT IN DEMANDING STATE AT TIME OF COMMISSION OF CRIME.** The Governor of this State may also surrender, on demand of the Executive Authority of any other State, any person in this State charged in such other State in the manner provided in Section 3 with committing an act in this State, or in a third State, intentionally resulting in a crime in the State whose Executive Authority is making the demand, and the provisions of this Article not otherwise inconsistent, shall apply to such cases, even though the accused was not in that State at the time of the commission of the crime, and has not fled therefrom.

**Sec. 7. ISSUE OF GOVERNOR'S WARRANT OF ARREST; ITS RECITALS.** If the Governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

**Sec. 8. MANNER AND PLACE OF EXECUTION.** Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the State and to command the aid of all peace officers and other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this Article to the duly authorized agent of the demanding State.

**Sec. 9. AUTHORITY OF ARRESTING OFFICER.** Every such peace officer or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

**Sec. 10. RIGHTS OF ACCUSED PERSON; APPLICATION FOR WRIT OF HABEAS CORPUS.** (a) No person arrested upon such warrant shall be delivered over to the agent whom the Executive Authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this State, or before a justice of the peace serving a precinct that is located in a county bordering another state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of the court of record shall fix a reasonable time to be allowed the prisoner in which to apply for a writ of habeas corpus, or the justice of the peace shall direct the prisoner to a court of record for

purposes of obtaining such a writ. When the writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding State.

(b) Before a justice of the peace who is not an attorney may perform a duty or function permitted by Subsection (a), the justice must take, through the Texas Justice Court Training Center, a training course that focuses on extradition law. The center shall develop a course to satisfy the requirements of this subsection.

(c) Each justice of the peace who performs a duty or function permitted by Subsection (a) shall ensure that the applicable proceeding is transcribed or videotaped and that the record of the proceeding is retained in the records of the court for at least 270 days.

**William M. Windsor Commentary:** This details the procedure that is required once an allegedly-accused person is served with the Texas Governor's Warrant.

**Sec. 11. PENALTY FOR NON-COMPLIANCE WITH PRECEDING SECTION.**

Any officer who shall deliver to the agent for extradition of the demanding State a person in his custody under the Governor's warrant, in wilful disobedience to Section 10 of this Act, shall be guilty of a misdemeanor and, on conviction, shall be fined not more than one thousand dollars or be imprisoned not more than six months, or both.

**William M. Windsor Commentary:** Note that if the proper procedure is not followed, it is a criminal act for anyone in Texas to turn the allegedly-accused over to the demanding state.

**Sec. 12. CONFINEMENT IN JAIL, WHEN NECESSARY.** The officer or persons executing the Governor's warrant of arrest, or the agent of the demanding State to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

The officer or agent of a demanding State to whom a prisoner may have been delivered following extradition proceedings in another State, or to whom a prisoner may have been delivered after waiving extradition in such other State, and who is passing through this State with such a prisoner for the purpose of immediately returning such prisoner to the demanding State may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or

agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping; provided, however, that such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding State after a requisition by the Executive Authority of such demanding State. Such prisoner shall not be entitled to demand a new requisition while in this State.

**Sec. 13. ARREST PRIOR TO REQUISITION.** Whenever any person within this State shall be charged on the oath of any credible person before any judge or magistrate of this State with the commission of any crime in any other State and except in cases arising under Section 6, with having fled from justice, or with having been convicted of a crime in that State and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this State setting forth on the affidavit of any credible person in another State that a crime has been committed in such other State and that the accused has been charged in such State with the commission of the crime, and except in cases arising under Section 6, has fled from justice, or with having been convicted of a crime in that State and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this State, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this State, and to bring him before the same or any other judge, magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

**William M. Windsor Commentary:** This details the requirements for arresting an allegedly-accused person in Texas based upon a warrant from a Texas magistrate, but prior to a requisition being sent to Texas requesting a Texas Governor's Warrant. The first and most important requirement is that there has to be an oath before a Texas judge or magistrate that the allegedly-accused committed a crime in another state and fled from justice. The Texas judge or magistrate must then issue a warrant directing a law enforcement officer to apprehend the person named. The allegedly-accused must then be brought before a Texas judge or magistrate to answer the charge or complaint and affidavit. A certified copy of the sworn charge or complaint and affidavit must be attached to the warrant. The allegedly-accused must be allowed to answer.

**State of Texas v. William M. Windsor, 14-158, District Court, Ellis County Texas (2014):** Article 51. In this case, there was no warrant. There was no oath before a Texas judge or magistrate that the allegedly-accused committed a crime in another state and fled from justice. A Texas judge or magistrate did not issue a warrant directing a law

enforcement officer to apprehend the person named. Windsor was not brought before a Texas judge or magistrate to answer the charge or complaint and affidavit. As there was no warrant, there was no certified copy of a sworn charge or complaint and affidavit attached to the warrant. Windsor was not allowed to answer as is also required by this statute.

If Ellis County claims Article 51.13 Section 13 applies, the law was violated, and Windsor was “arrested” and incarcerated illegally.

**Sec. 14. ARREST WITHOUT A WARRANT.** The arrest of a person may be lawfully made also by any peace officer or private person, without a warrant upon reasonable information that the accused stands charged in the courts of a State with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section; and thereafter his answer shall be heard as if he had been arrested on a warrant.

**William M. Windsor Commentary:** This details the requirements for arresting an allegedly-accused person prior to a requisition being sent to Texas requesting a Texas Governor’s Warrant when there is no Texas Magistrate’s Warrant issued. The other requirements are the same as Section 13. The first and most important requirement is that there has to be an oath that the allegedly-accused committed a crime in another state and fled from justice. The allegedly-accused must then be speedily brought before a Texas judge or magistrate to answer the charge or complaint and affidavit. The allegedly-accused must be allowed to answer.

**State of Texas v. William M. Windsor, 14-158, District Court, Ellis County Texas (2014):** Article 51. In this case, Windsor was not arrested. He was taken before a magistrate the morning of October 29, 2014, but there was no complaint or oath before a Texas judge or magistrate that the allegedly-accused committed a crime in another state and fled from justice. Windsor was not given the opportunity to answer the charge or complaint and affidavit.

The Magistrate’s document (**Exhibit C**) says “Affidavits charging you with these offenses (has not) been filed in this court.” The Magistrate did not find probable cause. No facts had been presented to the Magistrate under oath to show probable cause. Thus, that section of the document is unsigned.

If Ellis County claims Article 51.13 Section 14 applies, the law was violated, and Windsor was “arrested” and incarcerated illegally. When neither section 13 nor section 14 have been complied with, there was no legal basis to “arrest” or incarcerate Windsor.

**Sec. 15. COMMITMENT TO AWAIT REQUISITION; BAIL.** If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and except in cases arising under Section 6, that he has fled from justice, the judge or magistrate must, by warrant reciting the accusation, commit him to the county jail for such time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the Executive Authority of the State having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.

**William M. Windsor Commentary:** After either Section 13 or Section 14 takes place, the Texas judge or magistrate is to issue a warrant reciting the accusation and committing the allegedly-accused “for such time not exceeding thirty days” while the demanding state tries to obtain a Texas Governor’s Warrant.

This section clearly states that thirty days was the time after which Windsor was to be released. THIS IS VERY IMPORTANT. 30 DAYS! The maximum amount of time that an allegedly-accused person may be incarcerated in Texas on an extradition matter is 30 days. If a Texas magistrate or judge fails to issue a warrant specifying the 30 days, the law has been violated, and the allegedly-accused has been incarcerated illegally. If the allegedly-accused is not discharged after 30 days, the law has been violated, and the allegedly-accused has been imprisoned illegally.

**State of Texas v. William M. Windsor, 14-158, District Court, Ellis County Texas (2014):** Windsor was detained on October 28, 2014. Windsor appeared before the Texas Magistrate on October 29, 2014. December 19, 2014 was Day 53. Windsor demanded his release daily in writing from Day 31 to Day 53. Windsor should have been released without any bond required.

District Attorney Patrick Wilson gave false information to Judge Cindy Ermatinger saying the 30 days began at a later date. This is absolutely false. The statute is very clear, and there is case law on this. The actions of District Attorney Patrick Wilson in this case have been deliberately in violation of the law. Windsor sent District Attorney Patrick Wilson a letter from jail detailing the law and the violations, and he ignored it. The Oath of Office that District Attorney Patrick Wilson took stated: “I swear that I will faithfully execute the duties of the office of District Attorney of Ellis County Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and this state, so help me God.” District Attorney Patrick Wilson violated his Oath of Office by intentionally ignoring the law and allowing it to be violated again and again and again.

Windsor should have never been incarcerated, but he certainly should have been released after 30 days. Article 51.08 provides that once released, he could not be arrested upon a charge of the same offense except by a warrant from the Governor of Texas. As Judge

Cindy Ermatinger has failed to discharge Windsor, he is being denied that important legal right.

**Sec. 16. BAIL; IN WHAT CASES; CONDITIONS OF BOND.** Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the State in which it was committed, a judge or magistrate in this State may admit the person arrested to bail by bond, with sufficient sureties and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the Governor in this State.

**William M. Windsor Commentary:** THIS IS VERY IMPORTANT. The allegedly-accused person is to be offered Texas bail unless the alleged crime is punishable by death or life in prison. A TEXAS judge or magistrate is to set the amount of the bail and the terms of the bond requiring the allegedly-accused to appear before the Texas judge or magistrate at a specified time. If any jail claims the demanding state sets the bail amount and bond terms, it is absolutely false. Judges in other states have no jurisdiction in Texas. If the allegedly-accused is not granted bail in Texas by a Texas judge or magistrate, this is a violation of the law, and the allegedly-accused is being incarcerated without bond in clear violation of the law.

**State of Texas v. William M. Windsor, 14-158, District Court, Ellis County Texas (2014):** The only bail that a Texas magistrate can set is a TEXAS bail, not a Montana bail/bond. Windsor has reviewed approximately 100 Texas appellate court decisions on extradition, and none had a bond other than Texas. *Drake v. Spriggs*, No. 13-03-429-CV (Tex.App. Dist.13 12/14/2006) is exactly on point. Extradition of a Texas mad was sought by Colorado. He was denied a Texas bond, and the appellate court ruled this was an error.

There is nothing in Texas law to indicate that a Texas magistrate can order an out-of-state bond. A Texas magistrate has no such jurisdiction. There is nothing in Texas law to provide that a person being held for extradition is to post a bond from another state. The idea that a bond can be set in Texas by a judge in Montana is ludicrous. Forcing Windsor to provide a Montana bond would deny his right to fight extradition. Windsor would be forced to appear in Montana and would lose his rights to fight extradition and seek relief by habeas corpus.

Windsor was outrageously denied bond and spent 52 days illegally incarcerated and denied bond.

**Sec. 17. EXTENSION OF TIME OF COMMITMENT; ADJOURNMENT.** If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant or bond, a judge or magistrate may discharge him or may recommit him for a further period not to exceed sixty days, or a judge or magistrate may again take bail for his appearance

and surrender, as provided in Section 16, but within a period not to exceed sixty days after the date of such new bond.

**William M. Windsor Commentary:** The amount of time that an allegedly-accused person may be held may be extended for another 60 days IF all laws were complied with prior to Day 30 and if the Texas judge or magistrate extends the time prior to Day 30. If the allegedly-accused is not discharged after 30 days and no extension is ordered by a Texas judge or magistrate, the law has been violated, and the allegedly-accused has been imprisoned illegally. If the matter is legally extended for up to 60 days, the allegedly-accused is again allowed a new Texas bond. If the allegedly-accused is held beyond 30 days and is not granted a new bail, the law has been violated, and the allegedly-accused has been imprisoned illegally.

**State of Texas v. William M. Windsor, 14-158, District Court, Ellis County Texas (2014):** In this case, there was no such request made prior to the expiration of 30 days. There was no order of extension.

**Sec. 18. FORFEITURE OF BAIL.** If the prisoner is admitted to bail and fails to appear and surrender himself according to the conditions of his bond, the judge, or magistrate by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within this State. Recovery may be had on such bond in the name of the State as in the case of other bonds given by the accused in criminal proceedings within this State.

**Sec. 19. PERSONS UNDER CRIMINAL PROSECUTION IN THIS STATE AT THE TIME OF REQUISITION.** If a criminal prosecution has been instituted against such person under the laws of this State and is still pending, the Governor, in his discretion, either may surrender him on demand of the Executive Authority of another State or hold him until he has been tried and discharged or convicted and punished in this State.

**Sec. 20. GUILT OR INNOCENCE OF ACCUSED, WHEN INQUIRED INTO.** The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the Governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime.

**Sec. 21. GOVERNOR MAY RECALL WARRANT OR ISSUE ALIAS.** The governor may recall his warrant of the arrest or may issue another warrant whenever he deems proper. Each warrant issued by the Governor shall expire and be of no force and effect when not executed within one year from the date thereof.

**Sec. 22. FUGITIVES FROM THIS STATE; DUTY OF GOVERNOR.** Whenever the Governor of this State shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this State, from the

Executive Authority of any other State, or from the Chief Justice or an Associate Justice of the Supreme Court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the state seal, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this State in which the offense was committed, or in which the prosecution for such offense is then pending.

**Sec. 23. APPLICATION FOR ISSUANCE OF REQUISITION; BY WHOM MADE; CONTENTS.** 1. When the return to this State of a person charged with crime in this State is required, the State's attorney shall present to the Governor his written motion for a requisition for the return of the person charged, in which motion shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the State in which he is believed to be, including the location of the accused therein at the time the motion is made and certifying that, in the opinion of the said State's attorney the ends of justice require the arrest and return of the accused to this State for trial and that the proceeding is not instituted to enforce a private claim.

2. When the return to this State is required of a person who has been convicted of a crime in this State and has escaped from confinement, or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement, or the circumstances of the breach of the terms of his bail, probation or parole, the State in which he is believed to be, including the location of the person therein at the time application is made.

3. The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, warden or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application, with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the Governor. The other copies of all papers shall be forwarded with the Governor's requisition.

**Sec. 24. COSTS AND EXPENSES.** In all cases of extradition, the commissioners court of the county where an offense is alleged to have been committed, or in which the

prosecution is then pending may in its discretion, on request of the sheriff and the recommendation of the prosecuting attorney, pay the actual and necessary expenses of the officer or person commissioned to receive the person charged, out of any county fund or funds not otherwise pledged.

**Sec. 25. IMMUNITY FROM SERVICE OF PROCESS IN CERTAIN CIVIL CASES.** A person brought into this State by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceeding to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or if acquitted, until he has had reasonable opportunity to return to the State from which he was extradited.

**Sec. 25a. WRITTEN WAIVER OF EXTRADITION PROCEEDINGS.** (a) Any person arrested in this State charged with having committed any crime in another State or alleged to have escaped from confinement, or broken the terms of his bail, probation, or parole may waive the issuance and service of the warrant provided for in Sections 7 and 8 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge or any court of record within this State, or in the presence of a justice of the peace serving a precinct that is located in a county bordering another state, a writing which states that the arrested person consents to return to the demanding State; provided, however, that before such waiver shall be executed or subscribed by such person the judge or justice of the peace shall inform such person of his:

- (1) right to the issuance and service of a warrant of extradition; and
- (2) right to obtain a writ of habeas corpus as provided for in Section 10.

If and when such consent has been duly executed it shall forthwith be forwarded to the office of the Governor of this State and filed therein. The judge or justice of the peace shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding State, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding State, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding State or of this State.

(b) Before a justice of the peace who is not an attorney may perform a duty or function permitted by Subsection (a), the justice must take, through the Texas Justice Court Training Center, a training course that focuses on extradition law. The center shall develop a course to satisfy the requirements of this subsection.

(c) Each justice of the peace who performs a duty or function permitted by Subsection (a) shall ensure that the applicable proceeding is transcribed or videotaped and that the record of the proceeding is retained in the records of the court for at least 270 days.

**Sec. 25b. NON-WAIVER BY THIS STATE.** Nothing in this Act contained shall be deemed to constitute a waiver by this State of its right, power or privilege to try such demanded person for crime committed within this State, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this State, nor shall any proceedings had under this Article which result, or fail to result in, extradition to be deemed a waiver by this State of any of its rights, privileges or jurisdiction in any way whatsoever.

**Sec. 26. NO RIGHT OF ASYLUM, NO IMMUNITY FROM OTHER CRIMINAL PROSECUTIONS WHILE IN THIS STATE.** After a person has been brought back to this State by, or after waiver of extradition proceedings, he may be tried in this State for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition.

**Sec. 27. INTERPRETATION.** The provisions of this Article shall be interpreted and construed as to effectuate its general purposes to make uniform the law of those States which enact it.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Sec. 22 amended by Acts 1993, 73rd Leg., ch. 300, Sec. 27, eff. Aug. 30, 1993; Sec. 23, subd. 3 amended by Acts 1997, 75th Leg., ch. 701, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1271 (H.B. [1125](#)), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1271 (H.B. [1125](#)), Sec. 2, eff. June 14, 2013.

**Art. 51.14. INTERSTATE AGREEMENT ON DETAINEES.** This article may be cited as the "Interstate Agreement on Detainers Act." This agreement on detainers is hereby enacted into law and entered into by this state with all other jurisdictions legally joined therein in the form substantially as follows:

The contracting states solemnly agree that:

#### ARTICLE I.

The party states find that charges outstanding against a prisoner, detainees based on untried indictments, informations, or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainees based on untried indictments, informations, or complaints. The party states also find that proceedings with reference to such charges and detainees, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

## ARTICLE II.

As used in this agreement:

(a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.

## ARTICLE III.

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information, or complaint on the basis of which a detainee has been lodged against the prisoner, he shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information, or complaint; provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decision of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in Paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections, or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections, or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information, or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to Paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections, or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information, or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to Paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of Paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in Paragraph (a) hereof shall void the request.

#### ARTICLE IV.

(a) The appropriate officer of the jurisdiction in which an untried indictment, information, or complaint is pending shall be entitled to have a prisoner against whom he has

lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Paragraph (a) of Article V hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided that the court having jurisdiction of such indictment, information, or complaint shall have duly approved, recorded, and transmitted the request; and provided further that there shall be a period of 30 days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in Paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this article, trial shall be commenced within 120 days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in Paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executing authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information, or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Paragraph (e) of Article V hereof, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

#### ARTICLE V.

(a) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information, or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the

written notice provided for in Article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place of trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) proper identification and evidence of his authority to act for the state into whose temporary custody this prisoner is to be given;

(2) a duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information, or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations, or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations, or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping, and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

#### ARTICLE VI.

(a) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this agreement, and no remedy made available by this agreement shall apply to any person who is adjudged to be mentally ill.

#### ARTICLE VII.

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

#### ARTICLE VIII.

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

#### ARTICLE IX.

(a) This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any party state or of the United

States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

(b) As used in this article, "appropriate court" means a court of record with criminal jurisdiction.

(c) All courts, departments, agencies, officers, and employees of this state and its political subdivisions are hereby directed to enforce this article and to cooperate with one another and with other party states in enforcing the agreement and effectuating its purpose.

(d) Any prisoner escapes from lawful custody while in another state as a result of the application of this article shall be punished as though such escape had occurred within this state.

(e) The governor is empowered to designate the officer who will serve as central administrator of and information agent for the agreement on detainers pursuant to the provisions of Article VII hereof.

(f) Copies of this article, upon its enactment, shall be transmitted to the governor of each state, the Attorney General and the Secretary of State of the United States, and the council of state governments.

Added by Acts 1975, 64th Leg., p. 920, ch. 343, Sec. 1, eff. June 19, 1975.