

# Complaint and Affidavit of Official Oppression upon Udo Birnbaum

## synopsis

My name is UDO BIRNBAUM. I am 78 years old, reside in Van Zandt County, Texas, and am competent to make this Affidavit.

My complaint is upon a CHRIS MARTIN, Van Zandt County District Attorney, on or about August 6, 2015 retaliating against me for having registered complaints before his Office.

Such retaliation was as follows:

- threatening me with the crime of criminal trespass
- malicious characterization to law enforcement - of events at his Office
- malicious characterization to law enforcement - of my person

One should not have to live in fear of being in someone's sights – whether the District Attorney, the chief judge of your county – or the lowest cop on the street.

## background

I had previously complained to our District Attorney, and on Mar. 18, 2015 I was informed that I needed to make such complaint in the form of a sworn complaint, and I so did:

- On 3-20-2015 such sworn complaint regarding events of 3-26-2014
- On 6-25-2015 a second sworn complaint regarding events of 7-18-2014

On 7-30-2015, upon not having received any reply, I sent an email under title of DO THE RIGHT THING MR. DA.

On 8-6-2015, upon not having received any reply, I went by the DA Office, stating more or less the above, and that it was time for Mr. DA to face up to this matter, that I had had no success with email or notes – and that this matter was urgent. I left a note, and informed the lady at the window, that I would come back sometime after lunch to receive some sort of reply.

On same 8-6-2015, shortly after noon, I came by, to have a different lady appear behind the glass window, and informing her upon the urgency – to be told that the DA does not accept complaints from individuals – only from law enforcement. Puzzled by such put-off, I requested that rather than her promising to put another note on Mr. Martin's desk – that she express this urgency in a more urgent manner – like simply getting some kind of “yes” or “no” out of him. I told her – I do not know exactly how I phrased it – that I did not want to have to physically bang on his door – but that he really

owed me some kind of answer – as he had asked for a sworn complaint – and as I had provided such – with very specific evidence.

There was some more back and forth – but no strong words or anything on either side, and as I was about to leave, a gentleman appeared behind the window. I asked what his name was, and whether he was a lawyer, nothing more, just casual inquiry, and casual reply, and I left.

### **the bombshell**

That same 8-6-20152 evening, I found an email that totally floored me. By the time stamp, Mr. Martin must have written this within the hour of my departure, finding that the sworn complaint – actually I had TWO – had no evidence – and then he started lighting in on me, accusing me of :

- “threat of force”, “disorderly conduct”, “demeaning language”, “ultimatums”, and “bullying tactics”. Such is of course entirely false.
- And if this were not bad enough, then he threatens me with criminal trespass.
- And if this were not bad enough, he conveys such false characterization of me, apparently to various law enforcement – in the name of the Office of the District Attorney.

Now, if Mr. Martin were just a plain citizen, this would be nothing more or less than libel. But, since I cannot claim any monetary damages, I do not have a civil cause.

But, since Mr. Martin is not a plain citizen, but has the power and aura of his office, that makes what he did so much more insidious – he maligns me before people who have GUNS. He maligns me before judges – I do not know who all the addressees are to whom he conveyed such falsehoods.

### **summary**

In short – if Mr. Martin feels that I violated the law – let him call the cops. I he feels that I pose a threat – to him, his staff, or others - let him call the cops. If he feels he needs to admonish me, let him convey such to ME, but not insidiously slander me before our law agencies.

In short, upon his threat to have me “criminally trespassed, I no longer feel free to trust his office – nor all the others to whom he so maligned me.

In short – he is interfering with my Right to complain, my Right to “petition my government” under the First Amendment.

And ALL these adverse acts against me were in response to my petitioning his Office for help – a First Amendment Right.

All this “threat of force” ... .. “bullying tactics” – just ain’t so.

The threat of force and bullying tactics are on the part of our District Attorney.

And since he is a public servant – that makes it official oppression

If ONE is not allowed to complain – soon NO ONE is allowed to complain – and we ALL get the likes of – the little corporal with the mustache.

As for the law, Texas Penal Code:

Sec. 39.03. OFFICIAL OPPRESSION. (a) A public servant acting under color of his office or employment commits an offense if he:

(1) intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;

**(2) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or**

(3) intentionally subjects another to sexual harassment.

Attached is the email Mr. Martin sent to me and OTHERS.

All statements upon personal knowledge, all attached documents true copies of the originals, also all upon personal knowledge.

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UDO BIRNBAUM  
540 Van Zandt CR 2916  
Eustace, TX 75124  
(903) 5479-3929  
brnbm@aol.com

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
UDO BIRNBAUM

SUBSCRIBED AND SWORN BEFORE ME on this the \_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Notary Public, State of Texas

Subj: **DO THE RIGHT THING MR. DA**  
Date: 8/6/2015 2:00:07 P.M. Central Daylight Time  
From: [chrismartin@vanzandtcounty.org](mailto:chrismartin@vanzandtcounty.org)  
To: [Brnbm@aol.com](mailto:Brnbm@aol.com)  
CC: [judgedrum@vanzandtcounty.org](mailto:judgedrum@vanzandtcounty.org), [Lray@vanzandtcounty.org](mailto:Lray@vanzandtcounty.org), [MBates@vanzandtcounty.org](mailto:MBates@vanzandtcounty.org),  
[mking@cantontex.com](mailto:mking@cantontex.com)

Mr. Birnbaum,

I've reviewed the complaint that you submitted regarding your allegation of the execution of documents by deception. At this time, I do not believe you have articulated a criminal offense with sufficient evidence to merit an investigation or prosecution.

I would encourage you to contact a private attorney that specializes in civil litigation to determine if you have any civil remedies.

Furthermore, I will not entertain an in-person meeting with you to discuss this matter further. I will not tolerate you or any person visiting my office and demanding to meet with me by threat of force or disorderly conduct. I do not appreciate you attempting influence the activities of my staff by use of demeaning language, ultimatums, or bullying tactics.

Should you appear at my office again and act in an inappropriate manner, after having been duly warned by this email, the police will be summoned and you will be criminally trespassed from my office.

Respectfully,

-

**Chris Martin**

Criminal District Attorney  
Van Zandt County  
400 S. Buffalo  
Canton, TX 75103  
903.567.4104 tel  
903.567.6258 fax

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**From:** Brnbm@aol.com [mailto:Brnbm@aol.com]  
**Sent:** Thursday, July 30, 2015 4:03 AM  
**To:** Chris Martin  
**Subject:** [Possible SPAM] DO THE RIGHT THING MR. DA  
**Importance:** Low

**also attached as PDF**

7-30-2015

Friday, August 7, 2015 AOL

My Dear Mr. Martin,

Recently left a short note at your place, as follows::

Chris, We DO need to talk. Pls forgive our rough introduction.

But I really need help. Did then. Still do.

Udo Birnbaum

903 479-3929

email [BRNBM@AOL.COM](mailto:BRNBM@AOL.COM)

So, please consider – what YOU would do – or consider doing – if you were in MY SHOES:

They outright ROBBED you – of approx. \$500,000 – using the court – and their special powers as attorneys – as the instrument.

They have tied up all your assets – all your life's savings – you do not even have a decent car – and no way to get one. All your property has got liens on it. You do not have a retirement income – just a little social security.

You complain to and in the court – and all you get – is more “sanctions” piled on you.

You complain to law enforcement – and all you get is dodging.

You are 78 years old – still in fairly good health – but that could change at any time.

You do not have the means to get your teeth fixed – or routine medical checkups.

You KNOW that you ought to not just shoot them – for such solves nothing.

So you just keep on trying to get the attention of local law enforcement – like your DA.

You are lost in a sea of do-nothing-ers. You send out an emergency FLARE:

Like trying to get the attention of your DA – like by adding him as a “defendant”.

You resort to such a FLARE – for you have complained to him – multiple times about a specific crime – EXECUTION OF DOCUMENTS BY DECEPTION – perpetrated in 2014 – and the answer you get back – is that this involves stuff from 2002 – and is outside the statute of limitations.

**BULL SHIT.** As the DA, you KNOW that if someone steals in 2002 – that every year he holds onto the “stuff” is a crime, and certainly when he tries to “cash in” on it – in 2014 – by “securing execution of documents by deception” – it is that simple.

Also you KNOW that they cannot impose UNCONDITIONAL punishment, as they did, by civil process – you KNOW that takes full CRIMINAL process – like through the DA!

And, always keep in mind, that as long as this “thing” is not going away upon me, I am not just going away either – for it is not something I can make disappear by just shutting up.

Enough said – for now.

Still awaiting a response.

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