

# Complaint and Affidavit of Official Oppression upon me

## 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 man 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.

\_\_\_\_\_  
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