

Subj: **NOTICE Securing Execution by Deception Judge Banner**
 Date: 2/3/2016 11:34:24 P.M. Central Standard Time
 From: Brnbn@aol.com
 To: karen@vanzandtcounty.org, judgetrum@vanzandtcounty.org, mmurphy@firstadmin.com,
ppearman@vanzandtcounty.org, lray@vanzandtcounty.org, chrismartin@vanzandtcounty.org,
jdc@emafirm.com

ATTACHED - signed PDF with 6 page attach
 just "pasted" here - formatting may be lost

2-4-2016

To: **Karen Wilson**, Clerk 294th District Court
Teresa Drum, District Judge, 294th District Court
Mary Murphy, Presiding Judge, First Administrative Judicial Region
Pam Pearman, Clerk Van Zandt County Court
Lindsay Ray, Sheriff, Van Zandt County
Chris Martin, District Attorney, Van Zandt County
Jason Cassel, Attorney Pro Tem

from: **Udo Birnbaum**

re: **Crime of Securing Execution of Document by Deception – by Judge Banner**
 Unlawful Order on Motion for Sanctions “revived” as “Sanctions Judgment” - to deceive the Clerk into accepting it as a bona fide judgment and issue Execution – which the Clerk did

Synopsis

What was in it – for Judge Banner?

As clearly caught by the Court Reporter, Judge Banner’s **motive**, was to **punish** (“sanction”) Birnbaum for having made a civil RICO counter-claim. The simple **means** was to arm “The Westfalls” with a fraudulent [\$62,885.00] Order on Motion for Sanctions”, deceptively “revive” such as “Sanctions Judgment” – and let the natural court process – via “The Westfalls” - take it from there. The Clerk takes the document as a bona fide judgment, issues Execution, sends a sheriff with a badge and a gun, and presto – Birnbaum is **punished** – with no money trail leading back to Judge Banner. Means, motive, and opportunity.

Filing a lawsuit is a First Amendment Right. Unconditional punishment (not “coercive”, “keys to own release”) is forbidden by civil process. US Supreme Court.

Ladies and Gentlemen:

Hereby **NOTICE**, that on or about August 17, 2015, in the 294th District Court of Van Zandt County, a fraudulent document assessing unconditional punishment upon me of \$62,885, plus 10% interest since 2002, such document titled **Order on Motion for SANCTIONS**, was deceptively presented to the Clerk of Court as a bona fide revived JUDGMENT, and the Clerk of Court did then and thereupon issue **Writ of Execution**.

Such **Order on Motion for Sanctions** had, however, been long ago, determined by the Fifth Court of Appeals in Dallas, Texas, to be **NOT consistent with due process**:

AFFIRMED; Opinion issued October 23, 2003. In The Court of Appeals Fifth District of Texas at Dallas No. 05-02-01683-CV UDO BIRNBAUM, Appellant V. THE LAW OFFICES OF G. DAVID WESTFALL, P.C., G. DAVID WESTFALL, CHRISTINA WESTFALL, AND STEFANI PODVIN,

Appellees. On Appeal from the 294th Judicial District Court Van Zandt County, Texas Trial Court Cause No. 00-00619 OPINION Before Justices Whittington, Wright, and Bridges Opinion By Justice Whittington

Sanctions Order

In his fourth issue, Birnbaum complains of the order imposing sanctions against him in favor of Christina Westfall and Podvin. He argues the sanction order is unlawful because it is a criminal sanction “imposed without full due criminal process,” and does not state the basis for the sanctions award as required by rule 13 of the Texas Rules of Civil Procedure. **We agree with Birnbaum that the trial court's order awards sanctions without stating the basis for the award, and therefore does not meet the requirements of rule 13.** See *Murphy v. Friendswood Dev. Co.*, 965 S.W.2d 708, 709-10 (Tex. App.-Houston [1st Dist.] 1998, no pet.) (“**Rule 13 is clear:** the particulars of good cause 'must be stated in the sanction order.' . . . [T]he order here did not recite the particular reasons supporting good cause to issue the sanctions and did not include findings of fact and conclusions of law supporting good cause . . . **we hold that the sanction order does not comply with Rule 13.**”). (emphasis added)

Knowledge of the unlawfulness of this **Order on Motion for Sanctions**, by the authors of this document, is of course clearly indicated by the very **non-inclusion** in this Order, of the “*basis for the award*” – as clearly stated by Judge Paul Banner – at the very end of the Sanctions hearing – that he assessed this sanction **not upon conduct** (“*well-intentioned*”) – but purely as a **punishment** for Birnbaum having made a **civil RICO counter-claim**, a First Amendment Right!

*In assessing the sanctions, the Court has taken into consideration that although Mr. Birnbaum may be **well-intentioned** and may believe that he **had** some kind of real claim as far as RICO there **was** nothing presented to the court in any of the proceedings since I've been involved that suggest he **had** any basis in law or **in fact** to support his **suits** against the individuals, and I think – can find that such sanctions as I've determined are appropriate.* (Transcript, end of Sanctions hearing July 30, 2002)

Such **void, voided, and fraudulent** document titled **Order on Motion for SANCTIONS** was on or about such 17th day of August, 2015, knowingly and deceptively presented to the Clerk of Court as a bona fide **judgment**, and the Clerk did thereon issue **Writ of Execution of JUDGMENT**.

Such **void, voided, and fraudulent** document titled **Order on Motion for SANCTIONS** – was fraudulently **REVIVED** – by **writ of scire facias to revive JUDGMENT** – by Judge Paul Banner – on November 14, 2014. Think about it – an Order in need of “revival”? Something REALLY STINKS!

Summary

Judge Paul Banner – as a principal:

Arming “The Westfall Bunch” with a fraudulent [\$62,885.00] **Order on Motion for Sanctions** – **reviving** same on Nov. 14, 2014 as “**Sanction Judgment**” – to let the natural court process accomplish his evil and unlawful scheme – of punishing Birnbaum for having dared to make a civil RICO counter-claim. But still, “Securing Execution of Document by Deception”. Penal Code Sec. 32.46, Felony 2nd Deg (because of the huge sums with 10% interest since 2002)

Judge Banner was clearly WARNED

REAL AUDIO – a doozy – Hearing before **Judge Paul Banner** Nov. 14, 2014. Judge Banner

taunting me – with me finally reading him “the riot act” – Judge Banner nevertheless REVIVING his own fraudulent 2002 Order on Motion for Sanctions. At www.OpenJustice.US. (www.CourthouseAwarenessNews.com) **A MUST HEAR!**

And for pure fun, go google on “presiding pumpkin”, or plain “damn courthouse”.

Also Hearing before **Hon. John McCraw**, with **Judge Banner** present. REAL GOOD LAW IN THERE. Judge McCraw told me, that next time, I’d better bring my toothbrush – for SIX MONTH in the County Jail – but he was a nice man. Avid dinosaur bone enthusiast - probably better informed about that.

So, **Ladies and Gentlemen**, please act accordingly. And, be sure you understand, that I cannot make these huge fraudulent assessments – close to \$500,000.00 in all – go away upon me – by simply shutting up.

-

UDO BIRNBAUM
540 VZ County Road 2916
Eustace, TX 75124
brnbn@aol.com

-

ATTACH:

- Order on Motion for Sanctions – Sept. 9, 2002
- Writ of Execution - Aug. 17, 2015 – on the “revived” 2002 Order on Motion for Sanctions
- Court Reporter - Sanction Hearing – July 30, 2002 – “**well-intentioned**” counter-claim
- Order Reviving Judgment – Nov. 14, 2014 – reviving the 2002 Order on Motion for Sanctions, and legitimizing it as “sanction judgment”