

"nice person"
"six months confinement"
"that's a jail sanction"

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MR. BIRNBAUM: Judge, I request you put that on paper and sign it.

THE COURT: You request that I hold you in contempt and put it on paper and sign it?

He cannot PUNISH me - for the "completed act" - of having been a "nice person". This is ABSURD.

MR. BIRNBAUM: No. I request that the instructions that you're giving me be in writing.

THE COURT: That's why we have a court reporter down here. So I'm telling you, if you come back in here with frivolous pleadings, you're looking at a potential punishment of up to six months confinement and up to a \$500.00 fine. And I think I have the ability to hold you in contempt at this particular time, but I'm not going to do it because you appear to be a nice person. But you are misguided. You're wasting county tax payers money. You're wasting the State of Texas's money. It needs to be spent on other things.

Now, do you understand what I'm telling you?

MR. BIRNBAUM: (No response)

THE COURT: Now, if you want me to come down on you, I'll come down on you and give you something to appeal. And you can appeal it from a jail cell. This is serious business. This isn't a game.

Now, you know a judge signing an order is a judicial action.

MR. BIRNBAUM: It can also be unlawful.

THE COURT: Then you had the right to appeal it and you didn't appeal it, and you got a reversal. So put it to bed. If you get me back down here, you're going to make me mad. And that's on the record. Because there's no use in spending state money on this kind of frivolous action. Now, do you understand me?

i.e. - like putting unconditional sanctions of \$62,885 and \$125,770 on me - by CIVIL process - for having made a counterclaim when sued - a First Amendment RIGHT. Besides, unconditional punishment requires full CRIMINAL process - of "beyond a reasonable doubt" - by a JURY.

1 MR. BIRNBAUM: I hear you.

2 THE COURT: Okay. I'm sure you've got a life to live. I've
3 got a life to live. We don't need this kind of stuff. These judges made a
4 ruling. They didn't prevent you from appealing that ruling. They didn't
5 stand in your way.

6 MR. BIRNBAUM: They did. There was no case.

7 THE COURT: I've heard what you said. But legally there was
8 an enforceable order signed by a judge. You've got a right to appeal it. They
9 didn't stand in your way. You've got appellate courts. It's over.

10 Now, you try to resurrect it again, I've given you a warning that you're
11 going to be treated as any other attorney. If an attorney brought this kind of
12 stuff, they would get sanctioned by the bar association. And my job as judge
13 is to hear a case, and in a proper situation, hold people in contempt for frivolous
14 pleadings. And that's not just a monetary sanction. That's a jail sanction.
15 So if you continue to do this, you better bring your toothbrush to the next
16 hearing unless you've got some real good law. Do you understand what I'm
17 telling you?

18 MR. BIRNBAUM: I hear you.

19 THE COURT: All right. Good luck to you, sir. The Court
20 will sign orders upon presentation.

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(END OF PROCEEDINGS)

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