

RE: Case No. 19-0505
COA #: 05-19-00322-CV
STYLE: IN RE STARKS

DATE: 7/26/2019
TC#: 005-03474-2018

Today the Supreme Court of Texas denied the petition
for writ of mandamus in the above-referenced case.

MR. WILBERT NORWOOD STARKS

* DELIVERED VIA E-MAIL & POSTAL *



e. g. Appendix C

FILE COPY

RE: Case No. 19-0505
COA #: 05-19-00322-CV
STYLE: IN RE STARKS

DATE: 8/15/2019
TC#: 005-03474-2018

Today the Supreme Court of Texas granted the motion for extension of time to file motion for rehearing in the above-referenced case. The motion for rehearing was filed **Thursday, August 15, 2019. FURTHER REQUESTS FOR EXTENSIONS OF TIME FOR THIS FILING WILL BE DISFAVORED.**

MR. WILBERT NORWOOD STARKS
* DELIVERED VIA E-MAIL & POSTAL *

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B
Appendix

FILE COPY

RE: Case No. 19-0505
COA #: 05-19-00322-CV
STYLE: IN RE STARKS

DATE: 10/4/2019
TC#: 005-03474-2018

Today the Supreme Court of Texas denied the motion for
rehearing in the above-referenced petition for writ of
mandamus.

MR. WILBERT NORWOOD STARKS

* DELIVERED VIA E-MAIL & POSTAL *

A
C. & Appendix

Case No. 005-03474-2018

WILBERT NORWOOD STARKS § **IN THE COUNTY COURT**
§
v. § **AT LAW NO. 5**
§
JODY PRIVETT, #1374, and §
PLANO POLICE DEPARTMENT, et al. § **COLLIN COUNTY, TEXAS**

ORDER OF SANCTIONS AGAINST WILBERT NORWOOD STARKS

On February 12, 2019, came on to be considered Plano Police Department and Officer Jody Privett's MOTION FOR SANCTIONS. The Court, after examining said MOTION FOR SANCTIONS, Plaintiff's MOTION OF OBJECTION TO DEFENDANT MOTION FOR SANCTIONS AND BRIEF, Plano Police Department and Officer Jody Privett's REPLY TO PLAINTIFF'S RESPONSE TO THEIR MOTION FOR SANCTIONS AND BRIEF, as well as the pleadings, testimony, evidence and briefs submitted, along with the contents of this Court's file, together with authorities, and having considered arguments of Counsel for Defendants and Plaintiff, and evidence before the Court, is of the opinion and finds that Defendants Plano Police Department and Officer Jody Privett's MOTION FOR SANCTIONS be and hereby is GRANTED.

In support of this ORDER OF SANCTIONS AGAINST WILBERT NORWOOD STARKS the Court finds that good cause exists for the imposition of sanctions and finds that the conduct of Wilbert Norwood Starks is violative of Rule 13 of TEXAS RULES OF CIVIL PROCEDURE, Chapter 10 of the TEXAS CIVIL PRACTICE & REMEDIES CODE, and this Court's inherent power to govern the conduct of litigants and counsel appearing before it.

The discussion, analysis, comments, and rulings of the Court during the hearing on Plano Police Department and Officer Jody Privett's MOTION FOR SANCTIONS is

incorporated in this ORDER as if fully set forth herein.

Specifically, in addition to and supplementation of the oral ruling made during the hearing, the Court finds the following is good cause in support of its award of Sanctions against Wilbert Norwood Starks:

- (1) Defendants, along with the City of Plano, have standing to seek and obtain relief from this Court for Wilbert Norwood Starks' sanctionable actions;
- (2) Wilbert Norwood Starks was provided with proper and timely notice of the hearing on the MOTION FOR SANCTIONS;
- (3) After a careful review of the pleadings and consideration of the evidence presented, the Court concludes that the appeal to this Court and the underlying lawsuit in Justice Court were clearly filed for the purpose of harassment of Plano Police Department, Officer Jody Privett, and the City of Plano;
- (4) After a careful review of the pleadings and consideration of the evidence presented, the Court concludes that the instant litigation is frivolous, both legally and factually, and was a calculated effort to extract revenge against the Plano Police Department and Officer Jody Privett who properly arrested the Plaintiff based on a valid confirmed arrest warrant. The Court finds that the Plaintiff was provided with a copy of the WARRANT CONFIRMATION SHEET from the City of Dallas dated July 10, 2017, during the course of the proceedings in Justice Court yet the Plaintiff continues to make untrue assertions about the existence and validity of the valid Warrant;
- (5) After a careful review of the pleadings and consideration of the evidence presented, the Court concludes that the allegations contained in the underlying lawsuit misrepresent facts; are groundless and were made in bad faith; are groundless and were made for the improper purpose of delay; lack evidentiary support; were made for the improper purpose to harass the Plano Police Department, Officer Jody Privett, and the City of Plano; cause unnecessary delay, and needlessly increase the cost of litigation; and are not warranted by the existing law or nonfrivolous argument for the extension or modification or reversal of current law, or establishment of new law. These groundless allegations made in bad faith and lacking evidentiary support, constituting harassment, resulting in unnecessary delay, and not warranted by the existing

law or nonfrivolous argument for the extension or modification or reversal of current law include, but are not limited to, the repeated claim by Plaintiff that he was falsely arrested and/or falsely imprisoned.

(6) Other examples of pleadings filed by Plaintiff in the County Court which are groundless and were made for the improper purpose of delay; lack evidentiary support; were made for the improper purpose to harass, cause unnecessary delay, and needlessly increase the cost of litigation; and are not warranted by the existing law or nonfrivolous argument for the extension or modification or reversal of current law, or establishment of new law include, but are not limited to, the following:

- * MOTION FOR CONTINUANCE filed December 17, 2018;
- * MOTION FOR NEW TRIAL filed December 31, 2018; and
- * PLAINTIFF'S MOTION OF OBJECTION TO DEFENDANT MOTION FOR SANCTION AND BRIEF filed January 28, 2019.

(7) After a careful review of the pleadings and consideration of the evidence presented, the Court concludes that Plaintiff's conduct clearly resulted in unnecessary costs and disruption and harassment of the City of Plano, its Police Department, and its officer Jody Privett. Through Plaintiff's tactics of filing a groundless lawsuit with the Justice Court [which was dismissed] then tardily appealing to this Court, Plaintiff effectively forced the City of Plano to devote substantial resources towards defending against this frivolous litigation;

(8) After a careful review of the pleadings and consideration of the evidence presented, the Court concludes that Plaintiff's bad faith is further evidenced by his targeting and maligning of Officer Jody Privett, who was thrust into this matter solely due to his [Officer Privett's] lawful duties and obligations to effectuate lawful arrest warrant. This has caused damage to Officer Privett.

(9) The bad faith motive of and harassment by Plaintiff is also evidenced by efforts of Defendants' Counsel Davis to obtain voluntary dismissal and avoidance of unnecessary costs and attorney's fees. Counsel Davis has sent Plaintiff five letters and/or emails requesting dismissal, but Plaintiff refused and continued with his lawsuit even after it was dismissed, as reflected in PLAINTIFF'S MOTION FOR NEW TRIAL, evidencing Plaintiff's bad faith motive;

(10) The Court is also concerned about the level of Wilbert Norwood Starks' candor to and honesty with this Court and other Courts about his financial status and

alleged indigency. Such concern centers around the filing by Wilbert Norwood Starks of his PAUPER'S AFFIDAVIT FOR APPEAL on November 9, 2018, in the underlying Justice Court case being appealed herein. During the hearing on February 12, 2019, Mr. Starks testified that he lived in what he described as a “*million dollar home*” located at 5317 Tate Avenue, Plano, Texas and he had access to/use of luxury vehicles, including a customized Mercedes Benz which, again based on Mr. Starks’ testimony, was valued at “*over \$160,000 dollars.*” The sworn PAUPER'S AFFIDAVIT FOR APPEAL submitted by Wilbert Norwood Starks averring that he is indigent and thus cannot pay applicable court costs and/or fees was directly controverted by his own testimony.

- (11) The Court is also very concerned about the level of Wilbert Norwood Starks’ candor to and honesty with this Court about his criminal history. Such concern arises from the testimony of Wilbert Norwood Starks at the hearing on February 12, 2019, about his prior arrests and convictions. During the hearing, in addition to the testimony of Wilbert Norwood Starks, the online judicial records from Dallas County entitled DALLAS COUNTY FELONY AND MISDEMEANOR COURTS CASE INFORMATION for Wilbert Norwood Starks was admitted into evidence. During the hearing on February 12, 2019, Wilbert Norwood Starks was specifically asked how many times he had been arrested and how many times he had been convicted. The sworn testimony by Wilbert Norwood Starks regarding the number of his prior arrest and his prior convictions was directly controverted by the evidence adduced at the hearing on February 12, 2019. This Court is particularly displeased with and very concerned about Wilbert Norwood Starks willingness to provide sworn testimony to this Court regarding his criminal history when facts sworn to be true by Wilbert Norwood Starks were proven not be true.
- (12) The Court is also concerned about Wilbert Norwood Starks’ candor to and honesty with this Court about his litigation history. Such concern arises from the sworn testimony of Wilbert Norwood Starks at the hearing on February 12, 2019, about his prior litigations. Mr. Starks, in his sworn comments to this Court -- without solicitation -- unequivocally stated that “*I have never filed a lawsuit before.*” During questioning by Defendants’ Counsel, Mr. Starks again swore under oath that he had never filed lawsuit before, but provided the qualifier that at least not litigation against peace officers. During the hearing on February 12, 2019, in addition to the testimony of Wilbert Norwood Starks, the following were entered as evidence:

- * Dallas County Online Case Information for *Wilbert Starks v. General Motors Corp.*, Cause No. DC-76-00462, 116th District Court of Dallas County, filed January 16, 1976;
- * *Starks v. Collins*, 495 U.S. 921 (1990)(U.S. Supreme Court denial of Petition for Writ of Certiorari, April 30, 1990);
- * *Starks v. Collins*, 496 U.S. 908 (1990)(U.S. Supreme Court denial of Petition for Writ of Certiorari, June 4, 1990);
- * *Wilbert Starks v. Jim Bowles, Sheriff of Dallas County, etc.*, Cause No. 3:93-cv-02240, Northern District of Texas (Dallas), filed November 8, 1993 (Dismissed June 23, 1994 “for reason of frivolity.”);
- * Dallas County Online Case Information for *Wilbert Starks v. State of Texas, Dallas County Sheriff Jim Bowles, etc.*, Cause No. DC-95-05072, 95th District Court of Dallas County, filed May 24, 1995;
- * *Starks v. State, et. al*, 1999 Tex. App. LEXIS 3961 (Tex. App. – Dallas, 1999)(affirming dismissal of civil case);
- * *Starks v. State, et. al*, Case No. 99-0807 (Tex. 1999)(review denied);
- * *Wilbert Starks v. Gary Johnson, Director TDCJ-ID*, Cause No. 3:97-cv-01975, Northern District of Texas (Dallas), filed August 12, 1997;
- * *Starks v. Johnson*, 1998 U.S. App. LEXIS 3990 (5th Cir. 1998)(remanding denial of habeas corpus petition);
- * *Starks v. Johnson*, 1998 U.S. Dist. LEXIS 4206 (N.D. Tex. Dallas, 1999)(denial of habeas corpus petition);
- * *Starks v. Dallas County District Clerk*, 2009 Tex. Crim. App. Unpub LEXIS 778, 2009 WL 4197761 (Tex. Crim. App. 2009)(mandamus);
- * *Wilbert Starks v. Director Rick Thaler*, Cause No. 6:11-cv-00019, Western District of Texas (Waco), filed January 27, 2011;
- * *Wilbert Starks v. Rick Thaler, Director TDCJ-ID*, Cause No. 3:11-cv-

00319, Northern District of Texas (Dallas), filed February 17, 2011;

- * *Starks v. Thaler*, 2011 U.S. Dist. LEXIS 45135 (N.D. Tex. Dallas, 2011);
- * *Starks v. Thaler*, 2011 U.S. Dist. LEXIS 44692 (N.D. Tex. Dallas, 2011)(Order transferring habeas corpus petition to 5th Circuit);
- * *Starks v. Henton*, 2011 Tex. App. LEXIS 8382, 2011 WL 5026391 (Tex. App. – Houston [1st Dist.], 2011)(dismissal of appeal).

During the hearing on February 12, 2019, Wilbert Norwood Starks was specifically asked how many times he had previously filed pro se litigation. The sworn testimony of Wilbert Norwood Starks regarding the number of prior litigations was directly controverted by the evidence adduced at the hearing which included published court opinions and public online dockets from both Texas State and Federal Courts. This Court is particularly displeased with and very concerned about Wilbert Norwood Starks' willingness to provide sworn testimony to this Court regarding his litigation history when facts sworn to be true by Wilbert Norwood Starks were proven not to be true.

- (13) The Court is also concerned about Wilbert Norwood Starks' candor with the Court and his evasive and non-responsive answers provided during his testimony at the hearing conducted on February 12, 2019, which unnecessarily protracted the proceedings and impeded the Court's ability efficiently address the issues before the Court.
- (14) The Court is also concerned about Wilbert Norwood Starks' admissions under oath about his providing legal advice to others when he is not an attorney.
- (15) The Court finds that Wilbert Norwood Starks' conduct described above regarding his false testimony concerning his indigency, criminal history, and litigation history infringed upon and impacted this Court's ability to perform its core judicial functions effectively and protect this Court's dignity, independence, and integrity. Thus, Wilbert Norwood Starks' actions are sanctionable under this Court's inherent powers to deter, alleviate, and counteract bad faith abuse of the judicial process which significantly interfered with the traditional core functions of this Court. The Court expressly finds that the lack of honesty and candor by Wilbert Norwood Stark and his making false statements of material facts infringed upon and impacted this Court's ability

to protect its core function of ensuring that justice is served and the truth is revealed, and thus, sanctions against Wilbert Norwood Starks are necessary to protect this Court's dignity, independence, and integrity.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that **WILBERT NORWOOD STARKS** be and hereby is **SANCTIONED** and **ORDERED** as follows:

- (1) Wilbert Norwood Starks shall pay to the City of Plano, on behalf of the Plano Police Department and Police Officer Jody Privett the sum of Seven Thousand Seven Hundred Fifty Five Dollars and Zero Cents (**\$7,755.00**) for Defendants' **ATTORNEY'S FEES** and **COSTS** incurred in defending against this action, plus post-judgment interest at the rate at the highest lawful rate per annum on such amount from the date of this ORDER until paid. Such attorneys fees and costs shall be paid by cashiers' check or money order to counsel for Defendants within 30 days from the signing of this ORDER.
- (2) Wilbert Norwood Starks shall conditionally pay to the City of Plano, on behalf of the Plano Police Department and Police Officer Jody Privett the sum of Fifteen Thousand Dollars and Zero Cents (**\$15,000.00**) for the Defendants' **ATTORNEY'S FEES** and **COSTS** in the event this matter is unsuccessfully appealed to the Dallas Court of Appeals; and the sum of Fifteen Thousand Dollars and Zero Cents (**\$15,000.00**) for Defendants' **ATTORNEY'S FEES** and **COSTS** in the event this matter is unsuccessfully appealed to the Texas Supreme Court. This award of conditional appellate attorneys' fees is designed to compensate the City of Plano, on behalf of the Plano Police Department and Officer Jody Privett, for the expense of having to defend this sanctions award and dismissal in the event Plaintiff pursues an unsuccessful appeal. The award

of conditional attorney's fees is expressly contingent upon an unsuccessful appeal by Plaintiff. Post-judgment interest on such conditional attorneys fees shall be at the rate of five percent (5%) per annum on such amounts, commencing from the date the notice of appeal is filed, or in the case of an appeal to Supreme Court of Texas, the date Plaintiff files his petition for review, until paid. The payment of such conditional appellate fees shall be paid by cashiers' check or money order to Defendants' Counsel within forty five (45) days from issuance of a Mandate from a Court of Appeals.

(3) Wilbert Norwood Starks, pursuant to TEX. CIV. PRAC. & REM. CODE SECTION 10.004(c)(2), shall deposit the sum of One Hundred Dollars and No Cents (**\$100.00**) into the registry of the County Court at Law No. 5, as a penalty and in order to prevent and deter such improper conduct in the future by him and others similarly situated. Such sanctions shall be paid into the registry of this Court within 30 days from the signing of this ORDER.

IT IS FURTHER ORDERED that Wilbert Norwood Starks and all his agents, attorneys, employees, officers and elected or appointed representatives and all other persons, firms, organizations, or corporations in privity therewith be and hereby is prohibited from filing or initiating any more lawsuits, pleadings or other instruments of any kind or nature [in either State or Federal Court] concerning the claim(s) which have previously been made in the instant case and the case in Justice Court against (1) Plano Police Department (2) Police Officer Jody Privett (3) City of Plano (4) any officers, agents, servants or employees of the City of Plano, and (5) the undersigned Counsel Robert J. Davis and his Firm MATTHEWS, SHIELS, KNOTT, EDEN, DAVIS & BEANLAND, and any officers, agents, servants or employees of said Firm;

IT IS FURTHER ORDERED that Wilbert Norwood Starks and all his agents, attorneys, employees, officers and elected or appointed representatives and all other persons, firms, organizations, or corporations in privity therewith be and hereby is prohibited from filing or initiating any more lawsuits, pleadings or other instruments of any kind or nature [in either State or Federal Court] against (1) Plano Police Department (2) Police Officer Jody Privett (3) City of Plano (4) any officers, agents, servants or employees of the City of Plano, and (5) the undersigned Counsel Robert J. Davis and his Firm MATTHEWS, SHIELS, KNOTT, EDEN, DAVIS & BEANLAND, and any officers, agents, servants or employees of said Firm, until such proposed Lawsuit, pleading or motion has first been reviewed by this Court for a determination that the claims or matters set forth a legitimate request for relief and approved by this Court for filing, service, or other appropriate handling;

IT IS FURTHER ORDERED THAT the failure of Wilbert Norwood Starks to pay the attorney's fees, costs, and sanctions listed this ORDER OF SANCTIONS AGAINST WILBERT NORWOOD STARKS, as well as comply with each and all of the other terms of this ORDER OF SANCTIONS AGAINST WILBERT NORWOOD STARKS, shall result in such additional and further sanctions or actions which the Court deems just and fair under the evidence, after notice and hearing.

This ORDER OF SANCTIONS AGAINST WILBERT NORWOOD STARKS disposes of all parties and claims, and is therefore the final judgment for purposes of appeal only. The Court retains jurisdiction over this ORDER OF SANCTIONS AGAINST WILBERT NORWOOD STARKS for all purposes. The City of Plano is allowed such writs and processes as may be necessary for enforcement and collection of this ORDER OF SANCTIONS AGAINST WILBERT NORWOOD STARKS, for all of the foregoing let execution issue.

Signed this the 19 day of February, 2019.

Signed: 2/19/2019 10:35 AM

Dan X. Wilson
JUDGE PRESIDING