

VERIFIED EVIDENCE OF CRIMES

and

URGENT REQUEST for IMMEDIATE INTERVENTION

to stop current abuses, crimes and future crimes, abuses

Request to

INITIATE AN INVESTIGATION

is a right that is justified, in the name of justice,

in according to law, in compliance with the law,

and would

PROMOTE PUBLIC CONFIDENCE

in the

INTEGRITY AND IMPARTIALITY OF THE JUDICIARY,

LAW ENFORCEMENT

and in

oversight and or regulatory bodies and or commissions

is at the request of, presented and written by

Geoffrey Dylan Pawlaczyk

Cause 20-439 in the 451st District Court in Kendall County TX

830-██████████

justice4geoffrey@gmail.com

Exhibits available upon request

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INTRODUCTION
and URGENT CALL TO ACTION

Geoffrey Pawlaczyk brings fourth the following in writing but also as if it was repeated to the reader as follows verbatim, in which I, Geoffrey Pawlaczyk now submits this sworn and verified document to the reader, under oath and under the threat of perjury to the reader for urgent consideration of this document in full.

Please understand the importance of this verified and sworn document must not be ignored and must be considered in full because the verified and sworn evidence clearly meets the burden that shows Geoffrey Pawlaczyks is continually being judged on false, misleading and inconsistent statements which has directly resulted in the loss of his rights, children, privileges, resulted in fraud, theft, loss of court ordered and decreed property which this verified document will show probable cause as well at the evidence that meets the burden of proof.

Geoffrey Pawlaczyk has a legal interest in this sworn and verified document, and his right to have it be heard, submitted, reviewed and considered in according to law and in compliance with the law, in a manner that promotes public confidence in the integrity and

impartiality of the judiciary and other body's with the jurisdiction and or authority to take action in this matter.

A decision not to consider this verified document in full and take appropriate action upon the conclusion of an investigation would result in a reasonable probability that Geoffrey Pawlaczyk would be continued to be judged by this Trial Court from materially false, misleading and inconsistent statements would unlawful, unjust and not in the name of justice.

Upon being given notice of, being served with and now being in the possession of sworn evidence of a crime, injustice and or but not limited to abuses that have occurred, it is the official duty and obligation of the recipients of this document, within their official capacity to consider this document in full, in accordance with the law, rules and regulations and to afford Geoffrey Pawlaczyk his rights and to hold those accountable for the crime and abuses against him as well to prevent future crimes and abuses. This would clearly be in the interest of justice, the law, human rights, civil liberties and would promote public confidence in the integrity and impartiality of the judiciary, legislative and executive branches of government as well as law enforcement, commission, regulatory agency and or body with the jurisdiction and or authority to take action upon receiving this verified and sworn document of evidence which details crimes and abuse, in which Geoffrey Pawlaczyk now come fourth and respectfully ask those with the jurisdiction and authority to please stop this abuse and crimes against him. This is not right and no human deserves to be treated as he has, specifically when his evidence

clearly proves the opposite of the current findings and clearly shows he is telling the truth.

Geoffrey Pawlaczyk's material evidence has continually been suppressed and or ignored resulting in the inability to prove his innocence is unlawful and unconditional, not in the name of justice and clearly does not promote confidence in our laws and institutions and neglect and failure to take immediate and swift action would clearly be the breakdown and collapse of a civilized society.

The overwhelming weight of the evidence will show that Geoffrey Pawlaczyk is a victim of several crimes in which the evidence will show, but not limited to Felony and Misdemeanor Crimes, Abuse of Judicial Conduct, Misconduct, Abuse of Process, Malicious Prosecution, Deprivation of Rights under the color of Law and to, but not limited to exerting his victim's rights, and respectfully asks with help in being understanding his victims rights.

The evidence will show Renee Pawlaczyk, Heather Tessmer and Sean Crabtree and possible more engaged in premeditated and coordinated communications and corroborated in conspiring a plan of action to tell a false narrative as though it was truthful, and furthermore to have Law Enforcement witness what was essentially a staged scene. Upon Law Enforcement now witnessing this "*staged*" scene, Sean Crabtree, Renee Pawlaczyk and Heather Tessmer have now all knowing used the false and

intentionally misleading statements and report to commit several crimes against Geoffrey Pawlaczyk.

The fundamental rights that are recognized by the United States Constitution and confirmed time and time again by the U.S. Supreme Court. The U.S. Constitution even explicitly says so - "*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people*" U.S. Const. amend. IX. and "... *No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States*" U.S. Const. amend. XIV, § 1. The practical meaning of "*cruel and unusual*" has troubled courts for generations, because it is difficult to imagine that any punishment, no matter how barbarous, should be accepted simply because it is "*usual*." As long ago as 1910, the Supreme Court acknowledged that "*what constitutes a cruel and unusual punishment has not been exactly decided.*" (Weems v. U.S., 217 U.S. 349.)

To allow and or continue to have Geoffrey Pawlaczyk be judged, punished and, but not limited to be deprived of his children and property from false, misleading, inconsistent statement would be "*cruel and unusual*" punishment because the evidence in this verified and sworn document meets the burden that Geoffrey Pawlaczyk is telling the truth

MAIN PERSONS OF INTEREST AND SUSPECTS:

Probable Cause exists to questing, investigating and subpoena phone and text messages and records from:

- 1) [REDACTED]
- 2) [REDACTED]
- 3) [REDACTED]
- 4) [REDACTED]

SECONDARY PERSONS OF INTERESTS:

- 5) [REDACTED]
- 6) [REDACTED]
- 7) [REDACTED]
- 8) [REDACTED]
- 9) [REDACTED]
- 10) [REDACTED]
- 11) [REDACTED]
- 12) [REDACTED]

COURT ORDERED AND DECREED PROPERTY OF GEOFFREY PAWLACZYK

February 18, 2022 as shown below as if repeated verbatim:

- a. *IT IS ORDERED AND DECREED that Petitioner, Geoffrey Pawlaczyk, is awarded the following as his sole and separate property, and the Respondent, Renee Pawlaczyk, is divested of all right, title, interest and claim in and to that property;*
- b. *P-1. All clothing, jewelry, and other personal effects in the possession of Petitioner or subject to this sole control*
- c. *P-2. Fifty percent (50%) of funds on deposit, as of the date of the date of Divorce, together with accrued but unpaid interest, in all banks, savings institutions, or other financial institutions, which accounts stand in both parties' names jointly, including but not limited to the following: RBFCU Checking, account ending in 9655 with the balance of \$8,456.15*
- d. *P-3. All individual retirement accounts, simplified employee pensions, annuities, and variable annuity life insurance benefits in Petitioner's name.*
- e. *P-4. The 1993 Ford F350 motor vehicle, vehicle identification number XXX 20654, together with all paid insurance, keys, and title documents.*
- f. *P-5. The sole proprietorship known as Adventure Knives, including but not limited to its name, goodwill, receivables, claims, equipment, inventory,*

accounts, good, supplies, and personal property used in connection with the operation of the business.

History of Material Statements of facts of Kendall County DA, Nick Sosias and his relation to Sean Crabtree and a malicious prosecution of a Protection Order violation

11) The evidence will show that Sean Crabtree owns the property located at 121 Sabine Road Boerne TX, 78006 (EXHIBIT 80) and was neighbors with Geoffrey Pawlaczyk and Renee Pawlaczyk's property which was located at 123 Sabine Road Boerne TX, 78006 in which they shared about a 700' property line.

12) The Evidence will show verified Police Reports and Police Statements that clearly show a pattern and history which occurred over a very long time frame in which Sean Crabtree was using Law Enforcement to harass, torment and falsely accuse Geoffrey Pawlaczyk leading up to the Jury Trial which started on 2/14/22. This observed pattern was of such a significant magnitude that Geoffrey Pawlaczyk was informed by Kendall County Sheriff Deputy Hudson that Sean Crabtree was told that if he did not stop making false reports to Law Enforcement to harass Geoffrey Pawlaczyk then Law Enforcement and or the DA was considering pressing charges against Sean Crabtree. This clearly shows motive and a history of a repeated pattern of Sean Crabtree continually Calling Police and making false reports against Geoffrey Pawlaczyk in a coordinated effort with Renee Pawlaczyk and Heather Tessmer.

- 13) The evidence will show that on 2/18/22, when Geoffrey Pawlaczyk was at 123 Sabine Road after the conclusion of the jury trial, in the presence of Kendall County Sheriff Deputy Hudson, he observed how Sean Crabtree was harassing Geoffrey Pawlaczyk with spy cameras and posting signs to harass (EXHIBIT 78) & (EXHIBIT 79) and informed Geoffrey Pawlaczyk is was clearly harassment, he was happy to be called as a witness and he talked to Geoffrey Pawlaczyk's lawyer, Reed Greene but Reed Greene failed to call him as a witness or ask for a sworn statement.
- 14) The Evidence will show that Kendall County Sheriff's informed Geoffrey he should take this information to the Kendall County DA, to include the evidence that Renee Pawlaczyk gave Geoffrey Pawlaczyk an STD from her affair with David Rodgers. Geoffrey Pawlaczyk proceeded to email Kendall County DA, Nick Socias with this information. It is a fact that on 10/29/21 Geoffrey Pawlaczyk emailed The Kendal County DA Office and informs the Kendal County DA Office *"Please advise me what the next step is and how to proceed. I can provide all the evidence"*
- 15) Kick Socias failed to affords Geoffrey Pawlaczyk his victims rights and procedural due process, he suppressed and ignored verified evidence of crimes against Geoffrey Pawlaczyk that clearly showed Sean Crabtree harassing him and making false reports as well as the STD and other crimes. The problem is that Nick Socias was helping Sean Crabtree with an incident with their dog running loose all over the neighborhood that resulted in a neighbor shooting the Crabtree's dog because it was apparently attacking

livestock. Nick Socias should have recuse himself but he did not. The evidence has shown that Nick Socias ignored Geoffrey Pawlaczyk emails of the crimes that Renee Pawlaczyk and Sean Crabtree committed and replied with a competency examination alleging that Geoffrey Pawlaczyk was, *“paranoid, incoherent and he was possibly mentally retarded.”*

16) The evidence has shown that the Kendall County Court is located within a building that was within the 500’ radius of the Protection Order and after being Ordered to come to Court, Geoffrey Pawlaczyk was walking back to his truck only to find his X wife’s Lawyer, Heather Tessmer accompanied with Boerne Police Department officers and after several hours, Geoffrey Pawlaczyk was eventually arrested.

17) Nick Socias abused his discretion and maliciously prosecuted Geoffrey Pawlaczyk, failing to drop the charges because the 451st Trial Court was located within the 500’ restricted radius of the Protection Order that originated from the conclusion of the Jury Trial and Geoffrey Pawlaczyk was ordered to come to Court. Geoffrey Pawlaczyk had no choice but to enter into the restricted area to come to the court hearing to conduct official business. The Protection Order gave specific instructions that if Geoffrey Pawlaczyk was anywhere within the 500’ radius he would be in violation of the protection order. The Protection Order gave no specific instructions on how Geoffrey Pawlaczyk should follow for having no choice but to enter into the restricted radius to come to court hearings.

18) The evidence has shown that this resulted in extreme mental anguish to Geoffrey Pawlaczyk. Geoffrey Pawlaczyk continually emailed the DA saying that he did not want

to get arrested again and he was really confused because of the language of the Protection Order was clear: *“PROHIBITED FROM GOING TO OR NEAR, OR WITHIN 500 FEET OF, ANY LOCATION WHERE ANY PROTECTED PERSON IS KNOWN BY RESPONDENT TO BE AND FURTHER PROHIBITED FROM REMAINING WITHIN 500 FEET AFTER RESPONDENT BECOMES AWARE OF PROTECTED PERSON'S PRESENCE,”* and that *“NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.”* During this time, Geoffrey Pawlaczyk was ORDERED to come to COURT on 3/22/22 and was arrested for coming to Court. The Order clearly states that *“UNLESS A COURT CHANGES THE ORDER,” “EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT,”* and the evidence will clearly show that the court did NOT *“CHANGE THE ORDER”* and that he was falsely arrested and being Maliciously Prosecuted by Nick Socias and the Kendall County DA.

19) The Evidence has shown that the Kendall County DA, Trial Court and Heather Tessmer failed to modify the Protection Order, after Geoffrey Pawlaczyk gave notice of the issue so the legal language could allow Geoffrey Pawlaczyk to enter into the 500' Protection Order when he is Ordered to come to Court and where should park because there are no posted signs surrounding the building that the Court is located and the parking lots immediately surrounding the building of the court are mostly always full because they are so small and have so few spaces that people are forced to park on the street or in other

parking lots.

20) The evidence will show that a pattern has been established of Heather Tessmer making intentionally statements to a Tribunal and Geoffrey Pawlaczyk was premeditated and was intended to misled Geoffrey Pawlaczyk to maliciously prosecute him and or cause mental anguish. The Evidence will show that Heather Tessmer informed Geoffrey Pawlaczyk that he can violate the Protection Order without changing the language of the Protection Order. (EXHIBIT 81) EMAIL from November 16, 2022 at 1613 hours as if repeated verbatim:

Heather Tessmer Heather@Tessmerlawfirm.com

To: gp@AdventureKnives.com

Cc Mariana Trevino Mariana@tessmerlawfirm.com;

Jessica Garcia, jessicam@tessmerlawfirm.com

“We have consulted our client (Renee Pawlaczyk) and she will allow you to violate the protective order for the listed doctor and dentist appointments, but is not comfortable with the City Council meetings, at this time.” H.

Sincerely, Heather Clement Tessmer

21) The evidence will show that this Trial Court did not hear and audio recording of an official statement from the Boerne Police saying that Geoffrey Pawlaczyk can be arrested if he is anywhere inside the 500’ radius, and no signs are posted that gives notice of specific Court House Parking. The Kendall County Prosecutor, Nick Socias no longer is employed with the Kendall County DA and was also fired from Harris County for abusing a victim of a

crime that resulted in Senate Bill 291 which is named for a rape victim that Nick Socias committed to Harris County jail from late 2015 to early 2016. The following was made by Officer Reel of the Boerne Police department as if the following was repeated verbatim;

- a. OFFICER REEL H355: *“...by looking at the map if you are within the colored areas.. at 500 feet as you were saying... listed on the protective order, if you were within that 500 feet than yes, you are in violation of the protective order.”*
- b. GEOFFREY PAWLACZYK: *“Even if I am parked at the court house... according to this?”*
- c. OFFICER REEL H355: *“ yeah, because you are still within that 500 feet”*

HISTORY OF MATERIAL FACTS SHOWING A PATTERN OF FAILED ATTEMPT
TO DEPRIVE GEOFFREY PAWLACZYK OF HIS CHILDREN AND PROPERTY
WITH NO EVIDENCE

22) The evidence has shown that the Kendall County Sheriff's had first hand knowledge of how Renee Pawlaczyk would mentally abuse Geoffrey Pawlaczyk which is documented and that Geoffrey Pawlaczyk was never a threat to anyone or himself

KENDALL COUNTY DEPUTY MICHELLE QUADE:

- a. *“On the evening of July 10, I got a text from Geoffrey saying he was working in the warehouse, and Renee was in there with him, and all was going well. He said Renee suddenly turned on him and began telling him how horrible he was and saying he was Bi-polar. Geoffrey stated he ignored her to avoid conflict like I told him, and she left. Early Saturday morning, Geoffrey texted me, saying Renee took his truck keys, guns, and other stuff. I told him to call her and ask her nicely for his property. I also told him if she stated she did not take the guns and stuff to contact the Sheriff 's department and report a theft, but only if she did not have them. Later I got a call from Renee, very upset asking why I told Geoffrey to report the guns stolen when she took them for his safety**. I explained to Renee that was not what I said.*

I told her I told him to report them stolen if she had not taken them. I told her she was well within her rights to hide the guns if she thought it was for his safety, and all she had to do was tell him, so he would not believe the guns got stolen. Renee calmed down once I explained the situation. Geoffrey continued to text me that day saying Renee was treating him poorly. As I had before, I told Geoffrey that he needed to contact a counselor and obtain help for himself and possibly couples counseling if need be.

**Renee Pawlaczyk was asked in a hearing about Geoffrey Pawlaczyk, from his Lawyer at the time, Mathew Gilbert: *“And if you thought that there was any danger to your kids, then you wouldn’t have let them be in the house, correct?”* Renee Pawlaczyk replied, *“Right. Right”* Renee Pawlaczyk told Geoffrey Pawlaczyk to (EXHIBIT 59) *“Give me \$400 first. N I’ll give u guns.”* In a message to him, Renee Pawlaczyk would mentally torment Geoffrey Pawlaczyk in many different way, like stealing his belongings and then demanding payment to get them back.

b. ...At no point did Geoffrey give me the impression he was Bi-polar or a danger to himself or others. Geoffrey is depressed over his family unit situation and his business’s stress because of the effect COVID has played on his income. Geoffrey was very calm and open to suggestions to do what he could to keep the peace and give Renee the distance she requested.

- c. *On July 16 I called Geoffrey to check on him. He said things were going better, and he and Renee were not arguing as much. He stated he found a couple's marriage counseling link online, and Renee agreed to watch the videos and work on projects with him.*
- d. *On August 13, I called Geoffrey to check on him. He sounded very depressed, but was on a job site and stated he would call me back.*
- e. *On Monday, August 17, 2020, Geoffrey text me with screenshots of an intimate conversation he found between Renee and another man, which he said goes back several months. Geoffrey has always suspected Renee was cheating on him, but never had proof and wanted to give her a chance even though he observed several cheating signs. Geoffrey stated he was done with the marriage now that he knew she was cheating on him again. He also told me he gathered all her belongings, took them to her workplace, got her car keys from her, and put all her stuff in her car. I told him to contact an attorney if that was his choice....*
- f. **Geoffrey has depression with his marriage's failure, and because Renee told him she wished he was dead. However, I did not see his reaction at this point as anything other than a normal depressive situational response. I thought he was handling the fact he confirmed Renee was cheating on him, well.**

23) The evidence will show that Geoffrey Pawlaczyk confronted Renee Pawlaczyk on or about August 17, 2022 when he discovered that she was having sex in parking lots with David Rodgers and had an affair with Greg Martinez, and for Renee Pawlaczyk transmitting a STD to Geoffrey Pawlaczyk that she contracted from David Rogers (EXHIBIT 22a, 22b, & 65).

24) The evidence will show that Mathew Gilbert was retained by Geoffrey Pawlaczyk served Divorce papers to Renee Pawlaczyk on or about September 1, 2020, and

HISTORY OF MATERIAL FACTS of FIRST FAILED PROTECTION ORDER

25) The evidence has shown that Renee Pawlaczyk filled a *Protection Order* against Geoffrey Pawlaczyk on or about September 2, 2020 (EXHIBIT 9) which was one day after Geoffrey Pawlaczyk filled for Divorce and Geoffrey Pawlaczyk was not given notice the *Protection Order* had been filled. Geoffrey Pawlaczyk was getting very worried that his children were taken out of school because the evidence will show that Renee Pawlaczyk would forget to pick up the children “*I forgot to tell my parents to pick up the children*”, (EXHIBIT 18 page 183) he did not know where they were and the children and Renee Pawlaczyk would not answer their phones.

26) The evidence will show that Geoffrey Pawlaczyk was in regular contact with Kendall County Sherriff Deputy Michelle Quade because of how poorly Renee Pawlaczyk was treating him when she told Geoffrey Pawlaczyk (EXHIBIT 62), “*if she stays she will continue to do these mean things*”. The evidence will also show that Deputy Michelle Quade would also contact Renee Pawlaczyk and Renee never mentioned any family violence to Deputy Quade or any other law Enforcement or CPS. The evidence will show that no police reports or CPS reports of family violence relating to family violence exist. Geoffrey Pawlaczyk has never been questioned, detained and or arrested by law enforcement in regards to family violence, threats and or assaults at any time during his life, to date

27) KENDALL COUNTY DEPUTY MICHELLE QUADE said; *“I thought he was handling the fact he confirmed Renee was cheating on him, and I knew he did not have the financial means to pay for counseling”*

- a. *On September 2, Geoffrey told me he went to pick up the kids at the school and found the kids picked up early by Renee’s parents. He stated she also said to him that she was blocking him from all of their phones, so he could not call her or the kids. I told him to contact his attorney...*
- b. *On September 3, Geoffrey texted me. He stated his attorney filed temporary custody paperwork for their kids, along with submitting the divorce paperwork. Geoffrey asked if he could go to the school to pick up the kids, and I told him as long as there was no paperwork saying he couldn’t, yes he could. I also referred Geoffrey to MHDD for counseling and other services due to the stress and depression he experienced over the marital issues, and I knew he did not have the financial means to pay for counseling...*
- c. *After I started talking to Geoffrey back in July, I did not suspect any further suicidal ideations or attempts after his first incident. Geoffrey has depression with his marriage’s failure, and because Renee told him she wished he was dead. However, I did not see his reaction at this point*

as anything other than a normal depressive situational response. I thought he was handling the fact he confirmed Renee was cheating on him, well. At about 2230 hrs of September 3, I got a call from Deputy Granado about a disturbance call he took involving Geoffrey and Renee. Renee called reporting a violation of a protective order because he called her on her cell phone, asking for the children since they had not been in school. Deputy Granado said when he met with Geoffrey and told him he was violating a protective order, Geoffrey had an anxiety attack and stated he was unaware of any protective order. Grando said he called EMS to check on Geoffrey because of his panic attack, and he started to hyperventilate. Grando stated Geoffrey asked him to call me and let me know. The following morning, Geoffrey text me and was very concerned because he was worried about getting into trouble because he had not been served with any paperwork and did not know he was not supposed to contact Renee or the kids. Geoffrey stated he got a copy of the order, and he was upset because Renee lied to obtain the order, and he had never been threatening to her or the children. I told Geoffrey to let his attorney handle the situation and do as his attorney instructs him...

- 28) The evidence has shown that on or about September 25, 2020 this Trial Court heard arguments from Renee Pawlaczyk and Geoffrey Pawlaczyk regarding the *Protection Order*.

29) The evidence has shown that (EXHIBIT 32) Renee Pawlaczyk intentionally alienated the children from Geoffrey Pawlaczyk. Renee Pawlaczyk was allowing Geoffrey Pawlaczyk to see his children about half of the time when Geoffrey Pawlaczyk's lawyer, Mathew Gilbert asks Renee Pawlaczyk during the hearing on the *Protection Order*; "And you didn't do – you actually didn't withhold the kids from Geoff at all until you hired a lawyer, correct?" and Renee Pawlaczyk replied; "yes." Clearly shows that by Renee Pawlaczyk's own admission, Heather Tessmer influenced Renee Pawlaczyk's decision to start withholding, and effectively alienate the children from Geoffrey Pawlaczyk, and

30) The evidence has shown that Renee Pawlaczyk knew that Geoffrey Pawlaczyk was never a threat to his Children or anyone, and during a hearing on or about September 25, 2020 (EXHIBIT 29) when Renee Pawlaczyk gave sworn testimony when questioned by Geoffrey Pawlaczyk's lawyer, Mathew Gilbert;

MATHEW GILBER; Q: (Attorney for GEOFFREY PAWLACZYK) *Let me ask it to you this way; Now, you – when—you returned the guns to Geoff prior to moving out of the house?*

RENEE PAWLACZYK: A. *Yes*

Q. *Okay. So after you moved out, you knew Geoff had guns in the house, right?*

A. *Yes*

Q. Okay. *And you knew the girls were spending time at the house with Geoffrey, right?*

A. *Yes*

Q. *You knew there was no one there to supervise those visits, right?*

A. *Yes*

Q. *Any you trusted that the girls were safe with Geoffrey, right?*

A. *Yeah, he never physically harmed the kids*

Q. *Okay. And if you thought that there was any danger to your kids, then you wouldn't have let them be in the house, correct?*

A. *Right. Right.*

31) The evidence has shown that Renee Pawlaczyk knew that Geoffrey Pawlaczyk was never a threat to the Children and during a hearing on or about September 25, 2020 (EXHIBIT 38) when Renee Pawlaczyk gave sworn testimony and was questioned by Geoffrey Pawlaczyk's lawyer, Mathew Gilbert asks Renee Pawlaczyk about a text message between her and Geoffrey Pawlaczyk from August 19, 2020 which was only 2 days after Renee Pawlaczyk submitted a sworn affidavit stating that on August 17, 2020 that she moved out of the house because she was in fear of Geoffrey Pawlaczyk harming her or the children but she allows Geoffrey Pawlaczyk to pick up the children and the children did not move out with her. The evidence has shown that the Children

were staying with Geoffrey Pawlaczyk from August 17, 2020 for about a week;

MATHEW GILBER; Q: (Attorney for GEOFFREY PAWLACZYK) *Okay. And he tells you, Hope you have a good day. It's a new day. Love you. I'll pick up Natalia at the time – at the same time. And then a question, right?*

RENEE PAWLACZYK: A. *Yes*

Q. *And then your response is, yes. Get Nat at 3:40, then drive to Grace's school right after, correct?*

A. *Yes*

Q. *And this is August 19th. This is two days after you state that you were in fear that Geoff would physically harm you or the children. Here you are in text message telling him to go pick up the girls, right?*

A. *Yes*

32) The evidence has shown that Renee Pawlaczyk took Geoffrey Pawlaczyk's guns, truck keys and computer. Renee Pawlaczyk took these items to sell them if Geoffrey Pawlaczyk did not give her money on July 19, 2020 when Renee Pawlaczyk texts Geoffrey Pawlaczyk; "Give me \$400 first. N I'll give u guns." (EXHIBIT 59)

MATHEW GILBER; Q: (Attorney for GEOFFREY PAWLACZYK). So you were so

afraid of Geoffrey's erratic behavior and so afraid of the danger that he posed that you thought the best thing to do was just give in and give him his guns back?

RENEE PAWLACZYK; A. Yes

Q. ... *nowhere in this affidavit did you mention that Geoff has ever put his hands on you?*

A. *I don't think I did*

Q. And nowhere in this affidavit did you specifically state Geoff ever threatened to hurt you or threatened to hurt the kids, did you?

A. Correct

33) The evidence has and will show that this Trial Court dismissed the Protection Order against Geoffrey Pawlaczyk and told him that they would consider giving him make up time with his children but then never did,

34) The evidence has shown that Geoffrey Pawlaczyk could no longer afford Mathew Gilbert and he withdrew from cause number 20-439, and the evidence has shown that Geoffrey Pawlaczyk is now representing himself

**SECOND ATTEMPT to MALICIOUSLY DEPRIVE PROPERTY and ACCESS to
CHILDREN THROUGH a MOTION to MODIFY and for ADDITIONAL
TEMPORARY ORDERS the SAFETY and WELFARE of the CHILDREN**

35) The evidence has shown that Geoffrey Pawlaczyk was served with a *Motion To Modify And For Additional Temporary Orders* from Renee Pawlaczyk that was heard on or about May 19, 2021 and was dismissed in full by this Trial Court because Renee Pawlaczyk failed again and did not show any exhibits, produced no witnesses and no sworn affidavits. The evidence also showed that Renee Pawlaczyk did not restrict Geoffrey Pawlaczyk from visitation with his children since her last failed attempt about 121 days ago because from her own testimony when asked; “*And if you thought that there was any danger to your kids, then you wouldn’t have let them be in the house, correct*”, Renee Pawlaczyk replied, “*Right, Right.*”

36) The evidence will show that on or about April 30, 2021 Heather Tessmer drafted a *Motion to Modify and for Additional Temporary Orders* that was heard on or about May 19, 2021 (EXHIBIT 28) in which Renee Pawlaczyk (Respondent) petitioned some very extreme and draconian requests to further alienate the Children from Geoffrey Pawlaczyk: “*Respondent requests that the court issue appropriate order for the safety and welfare of the children, including but not limited to:*

- a) *The Court should appoint a Child Custody Evaluator and order the Petitioner submit to a psychiatric evaluation;*
- b) *The Court should order Petitioner's periods of possession and access to the children be restricted, or alternatively, the Court should render a modified possession order;*
- c) *The Court should;*
- d) *In the alternative, the Court should order that all visitation shall be supervised by an appropriate service;*
- e) *The Court should order the parties to surrender the children at the beginning of each period of the other parent's possession at the Boerne Police Department located at Old San Antonio Road, Boerne, Texas 78006;*
- f) *The Court should order the Right of First Refusal be removed;*
- g) *The Court should order the Petitioner to complete a course of treatment with a mental health professional in accordance with section 153.010 of the Texas Family Code;*
- h) *The Court should order Petitioner to attend weekly counseling with a*

mental health professional while this case is pending;

o) The Court should make all other and further orders that are pleaded for or that are deemed necessary for the safety and welfare of the children

37) The evidence has showed that during the approximate 121 days since Renee Pawlaczyk's previous failed *Protection Order* was dismissed. Geoffrey Pawlaczyk later questions Renee Pawlaczyk's lawyer and asked if he was such a threat, then why did they not show any evidence at the hearing that they requested for the safety and welfare of the children? The evidence has shown that Renee Pawlaczyk never called the police or CPS, request a welfare check, brought no witnesses and no sworn affidavits to a hearing that she requested?

38) The evidence has shown that (EXHIBIT 31) Renee Pawlaczyk's reason for not pursuing her *Motion To Modify And For Additional Temporary Orders* for the *safety and welfare of the children* was because she could not afford to keep her children safe and could not afford to submit a sworn affidavit, "... *I believe we were unable to go forward because our initial –filing or initial motion did not include an affidavit by Ms. Pawlaczyk. However, after that we decided not to move forward with a hearing on the initial temporary orders simply because our client couldn't afford it.*"

39) The evidence will show that no verified law enforcement records, case law, law or rule could be found that corroborate that the filling of a sworn affidavit for the issuing of, but

not limited to a Protective Order, Police Report, CPS report and or wellness check charges a fee. The evidence has shown that Renee Pawlaczyk has paid Heather Tessmer over \$200,000 would show that she can afford to file a free police report, file a free protection order, file a free CPS report and or request a free wellness check but the evidence has shown despite these services being free or of little cost she did not do any of these things

THIRD FAILED PROTECTION ORDER on the first day of the JURY TRIAL on
2/14/22 was later used to DEPRIVE GEOFFREY PAWLACZYK of his
CHILDREN and COURT ORDERED and DECREED PROPERTY
&
STATEMENTS of MATERIAL FACTS of the FIRST REASON GIVEN FOR THE
2/18/22 PROTECTION is PROVED FALSE

40) The evidence will show that a police report dated January 6, 2022 where Renee Pawlaczyk informs the Kendall County Sheriff's Office about 30 days prior to the jury trial which was scheduled to start on February 14, 2022 and wanted to report "**... a verbal threat her soon to be ex husband...**". The report goes on to say that "**She (Renee Pawlaczyk) was informed a report was taken back in Feb 2021.**" The audio file of the conversation that this materially false allegation is based on is an audio recording that both Geoffrey Pawlaczyk and Renee Pawlaczyk recorded. Renee Pawlaczyk edited out a part of the recording that shows why the police never did anything, because what Geoffrey Pawlaczyk said was clearly not a threat and clearly a hyperbole and this Trial Court is on the record saying that they will not consider Geoffrey Pawlaczyk evidence of the complete recording, **"Mr. -- I'm not -- I'm not litigating this issue."**;

41) The evidence will also show that when Renee Pawlaczyk brought this to the attention of

Law Enforcement, they took no action, they did not question, interrogate, detain and or arrest Geoffrey Pawlaczyk at any time regarding this matter. Law Enforcement concluded by default of not taking any action that Geoffrey Pawlaczyk was not a threat and did nothing wrong and that this Trial Court hears the same exact information as Law Enforcement and issues a Protection Order is an a clear error, abuse of Judicial Discretion, Malicious Prosecution that deprived Geoffrey Pawlaczyk his children, Court Ordered and Decreed Property, rights, privileges, life liberty and the pursuit of happiness under the color of law where he has suffered grievous loss, and but not limited to mental anguish. Law Enforcement, reminds Renee Pawlaczyk when she reported the same exact “*threat*” to Law Enforcement a second time almost a year latter and she forgot it was previously reported when she was informed that “*the report was taken in Feb 2021.*” This clearly shows that Renee Pawlaczyk forgot she tried to use the same exact information almost a year prior and shows a pattern of trying to, but not limited to cause Geoffrey Pawlaczyk mental anguish and deprive him of his Children and property with the same evidence that has not changed because it was recorded, other than begin edited by Renee Pawlaczyk.

42) It is a fact as the evidence will show that in (EXHIBIT 6a), it shows Geoffrey Pawlaczyk objected to evidence showing the incorrect creation date time stamp of the files that Heather Tessmer was entering into the record and this Trial Court erred in overruling Geoffrey Pawlaczyk’s objection and this Trial Court allowed an exhibit to be entered into evidence that was tampered with, and

43) It is a fact as the evidence will show that (EXHIBIT 9a) is one part of the WACO recording

which will show that Heather Tessmer and or Renee Pawlaczyk edited out of their 2/7/22 (EXHIBIT 2a) audio file that they entered into evidence. (EXHIBIT 9a) audio says:

START:

“GEOFFREY PAWLACZYK: *“listen to me... listen to me”*”

RENEE PAWLACZYK: *“Be logical.. don’t talk like that”*”

GEOFFREY PAWLACZYK: *“it’s a hyperbole”*”

RENEE PAWLACZYK: *“I don’t want to hear you talk like that though”*”

GEOFFREY PAWLACZYK: *“Listen to me, here is my point. I don’t give a f@#k about this place. I care about you and those kids”*”

RENEE PAWLACZYK: *“I understand what you are saying”*”

GEOFFREY PAWLACZYK: *“That is my point”*”

RENEE PAWLACZYK: *“I get it”*”

END

44) It is a fact as the evidence will show that (EXHIBIT 10b) shows the creation date time stamp of the (Exhibit 10a) WACO recording.

45) It is a fact as the evidence will show that (EXHIBIT 5) is the Official Transcript for 2/16/22 where Heather Tessmer played the WACO (EXHIBIT 2a) audio file during the jury trial.

The official transcript will show Renee Pawlaczyk was asked under oath if the WACO (EXHIBIT 2a) recording was altered in any way and she replied “no”.

46) It is a fact as the evidence will show that (EXHIBIT 10a) is another section of the previous (EXHIBIT 9a) WACO recording that Heather Tessmer and or Renee Pawlaczyk edited out of their 2/7/22 (EXHIBIT 2a) audio file that they entered into evidence. (Exhibit 10a) audio says:

START:

“RENEE PAWLACZYK:....

GEOFFREY PAWLACZYK: *“I said figuratively, not physically. You know how easy that is, to do whatever... k, this is the hard thing to do, that is my point... and obviously that was the wrong example... it’s real easy to give up.”*

END

47) It is a fact as the evidence will show that in (EXHIBIT 11a), **a screen shot of Renee Pawlaczyk’s WACO (EXHIBIT 2a) audio file that she entered into evidence that shows where the file was edited and that is was edited.** The evidence will show that the low sections between the high peaks. The high peaks are when people are talking or loud noises. The low and continuous lines is white noise where know-one is talking. The evidence will show that within the red box were the white noise completely goes away and goes to 100% silence and then the continuous white noise continues. The evidence will show that throughout the entire recording (except the recording highlighted in the red box) the

recording sets the precedent for the recording regarding the base level of the noise level when no individuals were talking shows the audio waves are displayed as a constant bar that represents the volume of the white noise at about a constant volume of 10%. The evidence has show that the audio waves within the red box, the audio of the constant white noise goes from 10% to 0% percent and then immediately back to 10% which can only be achievable from digitally editing the audio file or from an anechoic chamber**.

48) The evidence will show that absolute silence can be achieved in an anechoic chamber**, which is a room covered in large foam wedges that muffle all the reflections from the floor, walls or ceiling. The evidence has shown that the WACO conservation was not recorded in an anechoic room in order to achieve complete silence which would be shown as the audio waves being reduced to zero, as the evidence has shown. **

<https://www.sciencefocus.com/science/how-do-you-create-absolute-silence>

SECOND REASON FOR THE PROTECTION ORDER PROVED FALSE

49) It is a fact as the evidence will show that (EXHIBIT 4a) is a Police Report (Call # 2200566) made on 1/4/22 which was 10 days (EXHIBIT 9 page 8) prior to the start of the Jury Trial which started on 2/14/22 at 8am. Call # 2200566 Geoffrey Pawlaczyk's neighbor (Sean Crabtree) called the Kendall County Sheriff and accused Geoffrey Pawlaczyk if the following was repeated as if spoken verbatim as follows: **"burning plastic or tires at location."** and **"No evidence incident had taken place and no smokey are flames in the area"** and then closed the call and proceeded to leave the location without further incident regarding arson, or any other matter, and

50) It is a fact as the evidence will show that in 451ST DISTRICT COURT CASE SUMMARY CASE NO. 20-439 (EXHIBIT 9 page 8), on February 14, 2022 the Jury Trial started at (8:00 AM) (Judicial Officer: Cohoon, Kirsten)

51) Geoffrey Pawlaczyk would have had to leave 123 Sabine no later than 7:30am to arrive to the Kendall County Court House by 8 am. The evidence will show the Reporter's Record of the Trial on the Merits from 2/14/22 from start to finish:

52) REPORTER'S RECORD VOLUME 2 OF 6 VOLUMES CAUSE NO. 20-439 On the 14th day of February, 2022, the following proceedings came on to be held in the above-titled and numbered cause before the Honorable Kirsten Cohoon, Judge Presiding of the 451st District Court, held at 201 E. San Antonio Avenue, Boerne, Kendall County, Texas. Proceedings reported by the method of oral stenography. The following Reporter Record of the Trial on the Merits will show when the proceeding started, when breaks were taken and the conclusion of the hearing as well as relevant testimony that the evidence will show the Heather Tessmer, Renee Pawlaczyk coordinated a plan to stage a scene that would later be used to deprive Geoffrey Pawlaczyk of his children and divest Geoffrey Pawlaczyk of his Court Ordered and Decreed Property is a crime and several crimes have been committed.

53) Geoffrey Pawlaczyk called Shirley Sueltenfuss in the presence of Kendall County Sheriff Deputy on 2/9/24 and Geoffrey Pawlaczyk asked her if she could provide the exact start time and conclusion time of the Record from 2/14/22. Shirley Sueltenfuss informed Geoffrey Pawlaczyk that she does not have that information, she can not provide the information and said she could not provide any identifying information, such as when the jury was dismissed. This is important because Kendall County Sheriff thinks that Heather Tessmer made this statement to the Trial Court before the event even happened because the time line makes no sense.

TRIAL ON THE MERITS February 14, 2022 PAGE 4 repeated verbatim as follows:

- 1) P-R-O-C-E-E-D-I-N-G-S
- 2) PRETRIAL MOTIONS

- 3) **THE COURT:** We are here for No. 20-439, In
- 4) the Matter of the Marriage of Pawlaczyk.
- 5) **(Discussion off the record)**
- 6) **THE COURT:** All right. Ladies and
- 7) Gentlemen, then we are here for our pretrial motions and
- 8) getting ready for this afternoon. I want to go over a
- 9) few little things first. First things first. I have a
- 10) jury here. My intent is to do a lot of the questioning
- 11) beforehand and to give each side 20 minutes for their
- 12) voir dire questioning.
- 13) Is that sufficient for you, Ms. Tessmer?
- 14) **MS. TESSMER:** We'd love to have more, but
- 15) we'll deal with what we have.
- 16) **THE COURT:** Well --
- 17) **MS. TESSMER:** We would prefer maybe
- 18) 45-minutes a side.
- 19) **THE COURT:** The maximum I'm going to give
- 20) is 30.
- 21) **MS. TESSMER:** Okay. We'll take it.

TRIAL ON THE MERITS February 14, 2022 PAGE 20 repeated verbatim as follows:

- 22) **THE COURT:** Okay. Your objection is

- 23) noted. Your continuance is denied. The Jury trial will
- 24) proceed.
- 25) Okay. We have already done the rules. We've
- 26) got 20 minutes -- 30 minutes for voir dire, and it will *(continued on next page)*

TRIAL ON THE MERITS February 14, 2022 PAGE 21 repeated verbatim as follows:

- 1) start at one when the Jury -- probably be 1:30 by the
- 2) time we get them all set, correct, Ms. Jackson? Are
- 3) there other pretrial motions we need to hear before we
- 4) get started at 1:00?
- 5) **MS. TREVINO:** Your Honor, we have one that
- 6) we filed this morning that I'd like to be ready for.
- 7) **THE COURT:** Again, same thing that I told
- 8) Mr. Pawlaczyk, if you filed something this morning, I'm
- 9) not going to read it. I haven't had time to read it.
- 10) **MS. TREVINO:** It's a very short one, Your
- 11) Honor. Just be allowed to make some oral arguments.
- 12) **THE COURT:** Well, he can have his oral
- 13) arguments too, so let me finish with these pretrial
- 14) motions that are relevant.

TRIAL ON THE MERITS February 14, 2022 PAGE 57 repeated verbatim as follows:

- 20) **THE COURT:** All right. That concludes our

- 21) pretrial.
- 22) I'm going to -- okay. What I don't -- do not,
- 23) do not turn off your lapel mics.
- 24) **MS. TREVINO**: Okay.
- 25) **THE COURT**: I control the mute button, and (*continued on next page*)

TRIAL ON THE MERITS February 14, 2022 PAGE 58 repeated verbatim as follows:

- 1) I will mute when you get up, and when you -- and if
- 2) she's speaking, you'll be muted, and if you're speaking,
- 3) she'll be muted, all right? That is how that will go.
- 4) Don't turn them off and on, because you heard what
- 5) happened last time and that will happen again.
- 6) All right. We're off the record.
- 7) **(Recess)**
- 8) (Open court, defendant and panel present)
- 9) VOIR DIRE
- 10) (Venire panel was previously sworn)
- 11) **THE COURT**: All right. Here we go,
- 12) everyone. All right. We have finished the
- 13) qualifications and exemptions time, and I really just
- 14) want to remind all the jurors that I had previously
- 15) placed you all under oath and so you are still under
- 16) that oath that we had before we took a lunch break. All

17) right, and so we are going to begin, and I have a

18) question if the petitioner announces ready for trial?

19) **MR. PAWLACZYK:** Yes.

TRIAL ON THE MERITS February 14, 2022 PAGE 97 repeated verbatim as follows:

23) **THE COURT:** I am going to allow a quick break of about 15

24) minutes. This will enable everyone to finish exercising

25) their strikes to bring them up to Ms. Jackson and allow

TRIAL ON THE MERITS February 14, 2022 PAGE 98 repeated verbatim as follows:

1) **THE COURT:** Ms. Jackson to compile the 12 plus 2 alternates who will

2) serve here with us for the rest of the week.

3) I do not miss this sort of irony of having

4) this trial on a Valentine's Day. I love the fact that

5) you are all here, so I am excited about spending

6) Valentine's Day with you all. I appreciate each of you

7) being here.

8) Donnie, you can take them for a break.

9) I would like for everyone to rise for the

10) panel, and let's let them go out if they need to, and I

11) am going to take a break myself.

12) (Jury panel exits the courtroom)

13) Ms. Sueltenfuss, we're off the record, and you

14) can take a break as well.

15) (Recess)

16) (Jury panel enters the courtroom)

17) JURY SELECTION

18) **THE COURT:** All right. Okay. Everybody

19) can have a seat. My lawyers can all have a seat.

20) All right. Ladies and Gentlemen, thank you

21) for patience. At this time, if I can find it, I'm going

22) to -- we're back on the record.

TRIAL ON THE MERITS February 14, 2022 PAGE 110 repeated verbatim as follows:

8) Ladies and Gentlemen, I am going to let you be

9) released for the day and we're going to start anew in

10) the morning. And when we get here, I would like for

11) each of you to be here by 8:30, and then once you are

12) all -- and got your coffee and what you need -- I don't

13) have a problem with you bringing coffee as long as we

14) have the lid on it or water. Just keep a lid on it, in

15) case it spills it doesn't cause a disruption, but I need

16) my coffee just as much as the rest, so I would not take

17) that away from you all, but once we get everybody to get

18) what they need, we'll come in and we'll start with the

19) opening arguments and then the petitioner will be able

20) to bring you his case.

21) I appreciate you all here. We will go through

22) this and we'll get through this week together.

23) All rise for the Jury. We'll see you at 8:30.

24) Oh, by the way, would you please show them –

25) and a little sweet treat for Valentine's Day to show our (*continued on next page*)

TRIAL ON THE MERITS February 14, 2022 PAGE 111 repeated verbatim as follows:

1) appreciation. Thank you, guys. You all can go in.

2) Don't leave them all for me. I don't need all of that.

3) (Jury dismissed)

4) **THE COURT:** Ms. Tessmer, we're on the

5) record. Did you have something that you were filing

6) that needed to get to the Court?

7) **MS. TESSMER:** Yeah. I have a couple of

8) issues. One is we're concerned that Geoff is talking to

9) Mr. Schooley in violation of the rule already, and I

10) would like to have sureties that is not what just

11) happened after we pick a jury. That's our -- we did

12) hear him -- someone did overhear him talking about what

13) was going on here in the courtroom.

14) **THE COURT:** Mr. Pawlaczyk, I gave

15) Mr. Schooley a rule, and if he's a friend of yours or a
16) helper for you, I have warned him that he could be held
17) in contempt of court. Contempt of court can result in a
18) \$500 fine and up to six months confinement in county
19) jail. You're not to talk to him about the case. He is
20) not to talk to you about the case.
21) What else?
22) **MS. TESSMER:** A second piece of disturbing
23) information comes from the neighbor. They reported to
24) us that they smelled gasoline put in -- poured all over
26) the property. We asked one of the bailiffs to send a *(continued on next page)*

TRIAL ON THE MERITS February 14, 2022 PAGE 112 repeated verbatim as follows:

- 1) Sheriff out to the property and he too could smell it
- 2) and he commented to the person who reported it to us
- 3) that at least we will be able to prosecute him for
- 4) arson. This concerns us because he has threatened to go
- 5) Waco on the property if he is not allowed to keep the
- 6) house in this divorce proceeding, and so at this moment
- 7) we are trying to get a temporary restraining order and a
- 8) kick out order to keep Mr. Pawlaczyk from returning to
- 9) the home at this time. Right now we haven't been able
- 10) to get it filed, and we have asked the Sheriff's Deputy

11) to come up here and report to you as a witness that he
12) too can smell gasoline, and he can't even get through
13) the gate. And if he can smell it, then that's very
14) concerning.
15) **MR. PAWLACZYK:** Objection, Your Honor.
16) This is complete nonsense.
17) **THE COURT:** Well, let me -- let me advise
18) the consequences of arson are severe. So --
19) **MR. PAWLACZYK:** I'm sick of being
20) harassed, and I mean, I've -- that's what a trial is
21) for. We're not here with anything about a neighbor,
22) about whatever. We're here on the matter of the
23) divorce --
24) **THE COURT:** But at this juncture, I don't
25) have anything filed to go on. But -- *(continued on next page)*

TRIAL ON THE MERITS February 14, 2022 PAGE 113 repeated verbatim as follows:

1) **MS. TESSMER:** Your Honor, this is truly
2) the only asset of the marriage.
3) **THE COURT:** Understood, Ms. Tessmer. I
4) haven't no affidavit. I have nothing on -- I have
5) nothing that has been filed. I have no authority to

6) enter a TRO. I have nothing to do that. I don't have
7) anything to go on except for what you are telling me.
8) Now, I will -- I have admonished Mr. Pawlaczyk. I have.
9) Mr. Pawlaczyk, pouring gasoline on the
10) property and trying to torch or go Waco, as a term was
11) used, which is completely -- I hope you did not say
12) that.
13) **MR. PAWLACZYK:** Your Honor --
14) **THE COURT:** Hold on. I -- again, we
15) talked about this. Let me finish, and then you will
16) have your time. Mr. Pawlaczyk, my hope is that you
17) would not do something that is so detrimental to self
18) and family. The consequences of an arson charge are
19) significant, and I'm not saying that that is what you
20) have done. I am not. I have nothing, but I'm warning
21) all parties that we are close. We have been down a long
22) road, and we are now getting towards the end of that
23) road. We all need to keep it together and get past
24) this. Not to make any decisions that are unwise by
25) either party. *(continued on next page)*

TRIAL ON THE MERITS February 14, 2022 PAGE 114 repeated verbatim as follows:

1) I don't have anything else to discuss on that

- 2) matter.
- 3) You may tell me what you want to tell me, but
- 4) I will warn you that we are on the record. We are
- 5) discussing on the record.
- 6) Mr. Pawlaczyk, so you may tell me if you have
- 7) something that you so desire as to tell me.
- 8) **MR. PAWLACZYK:** I'm extremely glad I'm on
- 9) the record for recourse from these allegations. It's
- 10) pretty hard to burn down a house that is made out of
- 11) concrete and stone. The actual dwelling is about
- 12) 700 feet away from the gate, so I'm just tired of the
- 13) harassment. I'm tired of, you know, the order of
- 14) protection that I was such a threat the day that --
- 15) **THE COURT:** Mr. -- I'm not -- I'm not
- 16) litigating this issue.
- 17) **MR. PAWLACZYK:** Well, they're trying to
- 18) litigate it.
- 19) **THE COURT:** No they're not. I've stopped
- 20) them.
- 21) **MR. PAWLACZYK:** Okay.
- 22) **THE COURT:** I'm not talking about this
- 23) issue.
- 24) **MR. PAWLACZYK:** Okay.

25) **THE COURT:** All right? If I get a proper

TRIAL ON THE MERITS February 14, 2022 PAGE 115 repeated verbatim as follows:

- 1) filing and if I need to hear it, I'll hear it.
- 2) **MR. PAWLACZYK:** I would like a motion for
- 3) the Court not to hear anything from the neighbor. It
- 4) has nothing to do with this.
- 5) **THE COURT:** Mr. Pawlaczyk, I have no
- 6) motion on file. I have nothing. I'm not hearing a
- 7) case. I'm not hearing this at all, okay?
- 8) **MR. PAWLACZYK:** Is what I meant for them
- 9) not to bring up stuff that hasn't even been --
- 10) **THE COURT:** Mr. Pawlaczyk --
- 11) **MR. PAWLACZYK:** Okay.
- 12) **THE COURT:** -- I'm done with this.
- 13) **MR. PAWLACZYK:** Okay.
- 14) **THE COURT:** You need to sit down.
- 15) **MR. PAWLACZYK:** Thank you.
- 16) **THE COURT:** In the morning, we will get
- 17) together, and we will have openings, and we will then
- 18) call the first witness. I'd like to be taking testimony
- 19) not later than 9:15, 9:30 at the latest. Is there
- 20) anything that we needed to consider concerning trial

21) tomorrow?

TRIAL ON THE MERITS February 14, 2022 PAGE 118 repeated verbatim as follows:

6) Okay. Anything else that we just have to – I

7) need the Jury -- potential -- the Jury charges. Those

1) get --

2) **MS. TREVINO:** I have a physical copy for

3) you.

4) **THE COURT:** I would love a physical copy.

5) I don't want to lose this.

6) Thank you.

7) (End of proceedings)

54) It is a fact as the evidence will show that TRIAL ON THE MERITS February 18, 2022 (EXHIBIT 5) is the conclusion of the Jury Trial as follows as if the following was repeated verbatim.

TRIAL ON THE MERITS February 18, 2022 PAGE 92 repeated verbatim as follows:

16) **COURT:** Ms. Pawlaczyk has the exclusive rights to

17) claim the children each tax year. I think we need to

18) have a discussion about how quickly Mr. Pawlaczyk needs

19) to get out of the property. It can't happen overnight.

20) You have to have some time.

21) Yes, Ms. Tessmer?

22) **MS. TESSMER:** Your Honor, we have actually

23) drafted an emergency application for a protective order

24) do to the Waco threats and the ongoing activities over

21) the last week. We would ask that a sheriff go with him (*continued on next page*)

TRIAL ON THE MERITS February 18, 2022 PAGE 93 repeated verbatim as follows:

- 1) to remove clothing at this time to where he can survive,
- 2) but he should not be allowed back in the property mainly
- 3) because we think there's cash stashed there that we
- 4) would like to try to find, and then maybe over the next
- 5) week we can have supervised help in removing his items
- 6) from the home.

22) **THE COURT:** You are only hearing bits and

23) pieces, Mr. Pawlaczyk. There was a whole lot that was

24) in that statement. I'm not concerned about cash being

25) stashed or not. I'm concerned about destruction of the

26) property if you were to be allowed to return, and I am (*continued on next page*)

TRIAL ON THE MERITS February 18, 2022 PAGE 94 repeated verbatim as follows:

- 1) concerned about how long to get you out of the property
- 2) that has now been awarded to your ex-wife. I don't care
- 3) about the cash stashed, so that should just be
- 4) forgotten. I care about that, and that is what this
- 5) order is seeking.
- 6) **MS. TESSMER:** And, Your Honor, the order
- 7) is right here.
- 8) **THE COURT:** Well, I thought it was all
- 9) attached. Are you basing this off of her sworn
- 10) testimony because I don't have a sworn affidavit?
- 11) **MS. TESSMER:** Yes, ma'am. That's what it
- 12) says in the application, and it also says that he is to
- 13) keep away from the girls and Renee until we have a
- 14) hearing on the protective order.
- 15) **THE COURT:** Absolutely.
- 16) **MS. TESSMER:** And to stay away from the
- 17) property.
- 18) **THE COURT:** Two weeks.
- 19) So I'm going to put that together and that
- 20) will give you two weeks to get on your feet and start
- 21) your counseling session. You're going to have to come

- 22) back and see me, Mr. Pawlaczyk.
- 23) **MR. PAWLACZYK:** Your Honor?
- 24) **THE COURT:** Yes?
- 25) Off the record.

TRIAL ON THE MERITS February 18, 2022 PAGE 95 repeated verbatim as follows:

- 1) (Discussion off the record)
- 2) **THE COURT:** All right.
- 3) **MR. PAWLACZYK:** Your Honor --
- 4) **THE COURT:** You're going to need to vacate
- 5) the property today, Mr. Pawlaczyk.
- 6) **THE COURT:** No. I'm not re-litigating the
- 7) case. If there's something to this you feel you need to
- 8) tell me, but I'm not listening to evidence again. I've
- 9) heard all the evidence I need to hear.
- 10) **MR. PAWLACZYK:** What I am saying is all
- 11) the facts weren't heard and this is wrong. I'm a human
- 12) being going through -- this is going to break me, Your
- 13) Honor.

TRIAL ON THE MERITS February 18, 2022 PAGE 96 repeated verbatim as follows:

- 17) **THE COURT:** No. I'm not re-litigating the
- 18) case. If there's something to this you feel you need to

- 19) tell me, but I'm not listening to evidence again. I've
- 20) heard all the evidence I need to hear.
- 21) **MR. PAWLACZYK:** What I am saying is all
- 22) the facts weren't heard and this is wrong. I'm a human
- 23) being going through -- this is going to break me, Your
- 24) Honor.

**THE EVIDENCE HAS SHOWN THAT THE VERIFIED FALSE AND
INCONSISTENT STATEMENTS HEATHER TESSMER, RENEE PAWLACZYK
AND SEAN CRABTREE GAVE FOR THE PROTECTION ORDER AT
CONCLUSION OF JURY TRIAL ON 2/18/22 WAS USED TO DEPRIVE
GEOFFREY PAWLACZYK OF HIS CHILDREN AND COURT ORDERED AND
DECREED PROPERTY.**

55) The evidence will show (EXHIBIT 82) is a police report, call #2206382 from 2/14/2022 13:19:28 is what used by Renee Pawlaczyk as one of the reasons for the Protection Order that was issued on 2/18/22 do divest Geoffrey Pawlaczyk of his children and Court Ordered and Decreed property. The call only states as if the following was repeated verbatim; OFFICER: “CATHEY, MATTHEW 02/14/2022 13:42:25 A STRONG SMELL OF GASOLINE WAS OBSERVED AT HER PROPERTY LINE WHERE THEIR NEIGHBOR RESIDES” and the call was closed. Kendall County Sheriff confirmed that Geoffrey Pawlaczyk was never called, questioned, interrogated by law enforcement at any time from the date of this report to the current date regarding this matter and the Sheriff who wrote the report no longer works for Kendall County Sheriff.

56) Officer Cathey Matthew needs to be questioned because it will include material supporting evidence of a crime as which is described within, but not limited to this document. Geoffrey Pawlaczyk wishes to take a deposition or have a sworn statement

from Officer Cathey Matthew as to, but not limited to the following questions to exactly figure out what happened, who called him, who he call, what times, what did he observe while on location, show on an map and asked exactly where he was during his time on location, what was said and any other comments, specifically if something was out of place, and he needs to be asked if anyone contacted him asking about the call, who it was and what time and the nature of the conservation. He also needs to ask if we was instructed to follow up anyone after and or during the call, specifically Renee Pawlaczyk, Sean Crabtree, Heather Tessmer and or any personal employed by her and or from Daniel Sanford, Eric Sanford, David Rogers, Greg Martienez, Jerry Salmon, Mary Salmon, Dan Raiber, Carol Raiber.. All these individuals are personas of interest and would have first hand knowledge of these events and to the theft of Geoffrey Pawlaczyk's Court Ordered and Decreed Property

57) The evidence has shown that Heather Tessmer told the Trial Court that: *"A second piece of disturbing information comes from the neighbor."* and then Heather Tessmer proceeds to say: *"They reported to us that they smelled gasoline put in -- poured all over the property."* The evidence has shown that Heather Tessmer said; *"the neighbor reported to us,"* meaning the neighbor reported to either Renee Pawlaczyk and or Heather Tessmer of the that; *"they smelled gasoline put in -- poured all over the property."* Heather Tessmer then informs this Trial Court that after being given this information by Sean Crabtree that she; *"We asked one of the bailiffs to send a Sheriff out to the property and he too could smell it and he commented to the person who reported it to us that at least we will be able to prosecute him for arson."* Here is the other big problem, Court started at 8am and the

transcripts show Geoffrey Pawalczyk was in court all day. Now why would Sean Crabtree personally call Law Enforcement, about 10 days prior to the start of the Jury Trial giving them an intentionally false statement accusing Geoffrey Pawalczyk of a *"fire related matter"* in which the police and fire, *"found no evidence,"* but then only 10 days later, according to Heather Tessmer statement to this Trial Court, she said Sean Crabtree did not call law enforcement but Sean Crabtree contacted *"us"* about this matter and then Heather Tessmer told this Trial Court that she was the one who, by her own admission; *"We asked one of the bailiffs to send a Sheriff out to the property."*

58) Why did Sean Crabtree make a coconscious decision to not call the police but decided to make Heather Tessmer and or Renee aware of this allegation and then Heather Tessmer *"asked one of the bailiffs to send a Sheriff out to the property,"* apparently on Sean Crabtree's behalf makes no logical sense, specifically because the evidence has shown that Geoffrey Pawlaczyk was in Court from about 8am of that same morning of 2/14/22 until the conclusion of the Hearing. Heather Tessmer made this statement directly after this Trial Court excused the jury from the Court room, in which she then made the brief statement about Ben S. being in the court room and then she told the court that *"They reported to us that they smelled gasoline put in -- poured all over the property."* Not only are the times that Heather Tessmer made this statement to this Trial Court are not matching up with the time the Police report was taken, the chronological order of Heather Tessmers statements does not make sense and could not have happed. Heather Tessmer used *"information"* that was directly to her from third party and Heather Tessmer essentially requested the Sheriff to go to the property on behalf of the person who informed them her

of the allegation, the same person who called Law Enforcement about days prior about another fire related matter that after the investigation, *no evidence existed*. This Sheriff never was called as a witness, no police report of this incident was shown, no sworn affidavit was shown, Sean Crabtree was references as where the call originated from. Sean Crabtree was not present to question as a witness as to his statements. This Trial Court allowed Heather Tessmer to introduce a oral statement that was made by Sean Crabtree into evidence but an did he provide a sworn affidavit to his allegation and was inadmissible, Heather Tessmer did not disclose he would be using his statement was hearsay and should have been struck and this Trial Court erred by doing so and failing to consider Geoffrey Pawlaczyk material evidence.

59) It is a fact as the evidence will show that this Trial Court told Geoffrey Pawlaczyk; *“I think we need to have a discussion about how quickly Mr. Pawlaczyk needs to get out of his property. it can’t happen over night. you have to have some time. yes Ms. Tessmer?”* and that the court is *“concerned about the destruction of the property if you (Geoffrey Pawlaczyk) were allowed to return.”*

60) It is a fact as the evidence will show that at the beginning of and during the hearing on the record on February 14, 2022 in which Heather Tessmer referenced an alleged incident with Geoffrey Pawlaczyk involving Kendall County Sheriff that never happened as she gave testimony to. Heather Tessmer made an intentional false and misleading statement of material fact that was made to a tribunal resulting in depriving Geoffrey Pawlaczyk of his rights under the law and he has suffered damages as a result. Heather Tessmers

intentional false statement to this Tribunal and Jury was a significant determining factor in this Trial Courts discretion in considering and granting the *Temporary Protection Order* at the end of the Jury Trial on or about February 18, 2022, that deprived Geoffrey Pawlaczyk of his Court Ordered and Decreed property and rights under the color of law.

61) The editing and tampering with of the WACO recording unequivocally shows it is a fact that these material false statements clearly affected the outcome of the trial by this trial courts own admission and the conclusion of the Jury Trial on or about February 18, 2022, *“THE COURT: I'm not concerned about cash being stashed or not. I'm concerned about destruction of the property if you were to be allowed to return, and I am concerned about how long to get you out of the property that has now been awarded to your ex-wife, and*

**REED GREENS LEGAL MALPRACTICE AND NEGLIGENCE RELATING TO
THE PROTECTION ORDER AT CONCLUSION OF JURY TRIAL ON 2/18/22
WAS USED TO DEPRIVE GEOFFREY PAWLACZYK OF HIS CHILDREN AND
COURT ORDERED AND DECREED PROPERTY.**

- 62) The jury trial concluded on 2/18/22 and soon after Geoffrey Pawlaczyk ordered the full 5 day court record from Shirley Sueltenfuss and then he retained the services of Reed Greene to represent him in the Civil Divorce and the Criminal matter of violating a protection order and arrested for having to be within the 500' restricted radius because the court house was located within that 500' restricted radius.
- 63) The evidence will show (EXHIBIT 72) that about only about 4 days after Geoffrey Pawlaczyk hired Reed Green, he informed Reed Green via email on or about April 12, 2022 about the material importance of needing the the Reporter's Record of the Trial On The Merits was very important because it gave the reasons for why the Protection Order was issued and proceeded to inform him that Reporter's record would not be ready in time for the upcoming hearing regarding the Protection Order. The evidence will show that Reed Green failed to ask for a continuance because the evidence contained within the transcripts were material in Geoffrey Pawlaczyks defense. The email that Geoffrey Pawlaczyk sent to Reed Green (EXHIBIT 72) is as follows as if repeated verbatim:

gp adventureknives.com

To: Reed Greene <c.reed.greene@gmail.com>

Tue 4/12/2022 9.30 AM

Please see below, the court notes will not be ready. I think the court notes will be important for the upcoming hearing. *I also think we need the appraisal to come on the property that Tessmer is not currently allowing. Can you please file another continuance because of these things and a motion to compel so that an appraisal can be done on the property. You can also mention that we are waiting on an appraisal for the business. Can you please issue a subpoena duces tecum for Tessmer to produce the audio files she entered into exhibits in the jury trial with the original time stamp creation dates as well as the police report that they referred to saying that I was going to burn down my home and the police came, smelled gas but could not get on the property I really want to call deputy Hudson to testify*

- 64) The overwhelming weight of the evidence has and will show Reed Greens failure to examine the Reporter's Record of the Trial On The Merits prior to the Protection Order, failure to call Deputy Hudson as a witness, and but not limited to failing to call the Law Enforcement records Keeper despite subpoenaing her and her being physically present at the hearing, this resulted in not being able to show this Trial Court verified corroborating and material evidence which would have shown that Renee Pawlaczyk's, Sean Crabtree's and Heather Tessmer's intentional, misleading, false and or inconstant statements were

material and of such a sufficient magnitude that it resulted in this Trial Court and Jury ruling as if the false statements were factual, and thus committed the false statements to this Trial Court's and Jury's discretion and ruling was "material" because it caused "prejudice," and resulted in a "reasonable probability" that a different outcome would have occurred. This Trial Court failed to examine all of Geoffrey Pawlaczyk's evidence and testimony he was ordered not to talk about. *Seidel v. Seidel*, 10 S.W.3d 365, 368 (Tex. App. Houston [1st Dist.] 1999, no pet.). The evidence will show that Geoffrey Pawlaczyk was deprived his children, Court Ordered and Decreed Property, and but not limited to his rights and privileges because of Reed Greens actions.

- 65) The email that Geoffrey Pawlaczyk sent to Reed Green (EXHIBIT 72) is as follows as if repeated verbatim:

gp adventureknives.com

To: Reed Greene <c.reed.greene@gmail.com>

Tue 4/12/2022 9.30 AM

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entered into exhibits in the jury trial with the original time stamp creation dates as well as the police report that they referred to saying that I was going to burn down my home and the police came, smelled gas but could not get on the property I really want to call deputy Hudson to testify

- 66) The overwhelming weight of the evidence has and will show Reed Greens failure to examine the Reporter's Record of the Trial On The Merits prior to the Protection Order hearing resulted in not being able to show corroborating and material evidence that would show that Renee Pawlaczyk's false and inconstant statements were of such a sufficient magnitude that it resulted in this Trial Court and Jury ruling as if the false statements were factual, and thus committed the false statements to this Trial Court's and Jury's discretion and ruling was "material" because it caused "*prejudice,*" and resulted in a "*reasonable probability*" that a different outcome would have occurred. This Trial Court failed to examine all of Geoffrey Pawlaczyk's evidence and testimony he was ordered not to talk about. *Seidel v. Seidel*, 10 S.W.3d 365, 368 (Tex. App. Houston [1st Dist.] 1999, no pet.). The evidence will show that Geoffrey Pawlaczyk was deprived his children, Court Ordered and Decreed Property, and but not limited to his rights and privileges because of Reed Greens actions.
- 67) The evidence has shown that Reporter's Record of the Trial On The Merits of the Jury Trial from on or about February 14-18, 2022 was completed after the hearing for Protection Order, which was granted was material because it detailed the false and inconsistent statements of Renee Pawlaczyk and the two reasons for the issuing of the

Protection Order issued because of; (a) *“Your Honor, we have actually drafted an emergency application for a protective order do to the WACO threats...”* (b) *“... and the ongoing activities of the last week.”* (Heather Tessmer lying about a staged police that does not even say where the gas was smelled, does not mention if the gas was smelled on 123 Sabine Road and does not even mention Geoffrey Pawlaczyk's name. Heather Tessmer and Renee Pawlaczyk's motive was clear, to do what was needed to gain access to 123 Sabine through couberating with Sean Crabtree to “stage” a scene for a police report and refrence another conservation that law enforcement did noting with and nothing was a threat or family violence. Heather TesSmer tells this Trial Court that: *“he should not be allowed back on the property mainly because we think there's cash stashed there that we would like to try to find...”*

68) The evidence will also show that Reed Green's failure to ask this Trial Court for a continuance so that the Court reporter can have enough time to prepare the transcripts for the 5 day Jury Trial, for the reason of the material importance is clearly substantiated and was in the name of Justice because the consideration for the issuing of the Protection Order was *“basing this off of her sworn testimony”* as shown in the Reporter's Record of the Trial On the Merits showed that; the following as if it was repeated verbatim on February 18, 2022;

MS. TESSMER: *“And, Your Honor, the order is right here.”*

THE COURT: *“Well, I thought it was all attached. Are you basing this off of her sworn testimony because I don't have a sworn affidavit?”*

MS. TESSMER: *“Yes, ma'am. That's what it says in the application, and it also says that he is to keep away from the girls and Renee until we have a hearing on the protective order.”*

THE COURT: *“Absolutely.”*

69) The evidence has shown that Reed Greene was grossly negligent in his representation to Geoffrey Pawlaczyk and Reed Green failed to argue the reasons that were given for the issuing of the Protection Order and failed to show material evidence that was in his possession.

70) *Texas Disciplinary Rules of Professional Conduct CLIENT-LAWYER RELATIONSHIP*
1.01 Competent and Diligent Representation

NEGLECT 7. Perhaps no professional shortcoming is more widely resented than procrastination. A client's interests often can be adversely affected by the passage of time or the change of conditions; in extreme instances, as when a lawyer overlooks a statute of limitations, the client's legal position may be destroyed. Under paragraph (b), a lawyer is subject to professional discipline for neglecting a particular legal matter as well as for frequent failures to carry out fully the obligations owed to one or more clients. A lawyer who acts in good faith is not subject to discipline, under those provisions for an isolated inadvertent or unskilled act or omission, tactical error, or error of judgment. Because delay can cause a client needless anxiety and undermine confidence in the lawyer's

trustworthiness, there is a duty to communicate reasonably with clients; see Rule 1.03.

- 71) The evidence has shown that Reed Greene was grossly negligent when he failed to carry out fully the obligations owed to Geoffrey Pawlaczyk resulted in him being deprived his children, his rights and privileges and his Court Ordered and Decreed property contributed to Geoffrey Pawlaczyk's mental anguish and clinically diagnosed PTSD and Major Depression Disorder of essentially being found guilty of being innocent.

- 72) The evidence has shown that the reasons Renee Pawlaczyk gave for the issuing of the *Temporary Protection Order* on or about February 18, 2022 were categorical and unequivocally false, never happened and the evidence was legally insufficient to issue a *Temporary Protection Order*. Reed Greene abused his obligation to Geoffrey Pawlaczyk when he failed to show material evidence because the evidence was "*material*" to his defense and it caused "*prejudice,*" and resulted in a "*reasonable probability*" that a different outcome would have occurred. Further more, Reed Green's failure to show Geoffrey Pawlaczyk's evidence to the Trial Court was material in that he was not able to effectively defend Geoffrey Pawlaczyk because he failed to argue the correct reasons for the issuing of the Protection Order. Reed Greens actions further adversely effected the outcome because all it takes to issue a Protection Order is "*Evidence of a single factor may be sufficient for a fact finder to form a reasonable belief or conviction that termination is in the child's best interest,*" and Reed Green failed to argue either of the two single factors that determined the issuing of the Protection Order In re E.A.R., 672 S.W.3d at 722 (quoting In re J.B.-F., No. 04-18-00181-CV, 2018 WL 3551208, at *3 (Tex.

App.—San Antonio July 25, 2018, pet. denied)) and because this Trial Court failed to consider all Geoffrey Pawlaczyk evidence, and Because Reed Green failed to show this Trial Court material evidence, Geoffrey Pawlaczyk was deprived his right to trial by a fair and impartial jurist, see Hyundai Motor Co. v. Vasquez, 189 S.W.3d 743, 749 (Tex. 2006); Markowitz v. Markowitz, 118 S.W.3d 82, 86 (Tex. App.-Houston [14th Dist.] 2003, pet. denied); see also U.S. Const. amend. XIV, § 1; Tex. Const. art. I, § 19

- 73) Reed Green failed to shown the overwhelming weight of the evidence which would have shown that by Renee Pawlaczyk’s own admission and testimony, she continued to allow Geoffrey Pawlaczyk visitation of the Children because in her own words; *“never threatened to hurt her or threatened to hurt the kids,”* and when asked *“And if you though that there was any danger to your kids, then you wouldn’t have let them be in the house, correct?”* Renee Pawlaczyk replied, *“Right. Right”* Renee Pawlaczyk told Geoffrey Pawlaczyk to (EXHIBIT 59) *“Give me \$400 first. N I’ll give u guns.”* Allowed Geoffrey Pawlaczyk visitation with the children and never called the police or CPS for family violence or concerns relating to the safety of the Children at any time to date. The previously stated evidence along with other evidence that has and will be shown is clear and the overwhelming weight of the evidence shows that this Trial Court erred in issuing the Temporary and Final Protection Order. How can Geoffrey Pawlaczyk be a threat to his children during all the previous failed attempts to alienate and remove the children from him and at the same time allow Geoffrey Pawlczyk visitation to his children? How can Law Enforcement see the same evidence when Renee Pawlaczyk show them a recording she had of Geoffrey Pawlaczyk that she edited and they completely dismissed

her, and did not question, interrogate, detain and or arrest Geoffrey Pawlaczyk and as a matter of fact, the police reports show that Renee Pawlaczyk tried to inform the police of the same matter almost a year later and the police informed her that she forgot a report was already taken. Geoffrey Pawlaczyk only learned of the report because he requested a FOIA request of any report within a date range and when he saw it, he contacted Deputy Michelle Quade to inquire about it, because he was never questioned about it and Deputy Michelle Quade stated that she was meaning to ask Geoffrey Pawlaczyk about it but obviously forgot because she said she dismissed it because it was out of his character and then Geoffrey Pawlaczyk informed her that he actually had the full recording because he recorded the same conversation. The evidence has shown that Reed Green is grossly negligent in his duty to fully represent Geoffrey Pawlaczyk and show material evidence.

VERIFIED MEDICAL DIAGNOSES, SYMPTOMS, DISABILITY, MENTAL ANGUISH

- 74) The evidence will show that Geoffrey Pawlaczyk has been a patient at Hill Country MHDD Center Client Treatment Plan Report from on or about 09/18/2020 and is still a patient to date.
- 75) The evidence will show that the Hill Country MHDD Center Centered Recovery Plan for Geoffrey Pawlaczyk (EXHIBIT 99) states the following as if recited verbatim:
- a. *Doctor restarted antidepressant and began antianxiety medication because having daily panic attacks.*
 - b. *Geoffrey has symptoms of Major Depressive Disorder such as interrupted sleep, anxiety, anger, sadness, concentration, lack of motivation and energy **which prevent him from participating in daily activities.***
 - c. *Geoffrey has several challenges which could prevent him from achieving his recovery goal such as family difficulties, financial difficulties, limited*

attention span, and physical/medical problems,

76) The evidence will show (EXHIBIT 55, 56 & 99) the Mental Health professionals that details Geoffrey Pawlaczyk meeting the criteria for post-traumatic stress associated with alienation from his Children and sates the following as if recited verbatim:

a. *“Mr. Pawlaczyk meets criteria for post-traumatic stress disorder associated with alienation from his children and the dissolution of his marriage.”*

b. *“Presence of intrusion symptoms, Negative alterations in cognitions and mood associated with the traumatic event, Marked alterations in arousal and reactivity associated with the traumatic event, Client has experienced these symptoms longer than the duration of one month, the client is significantly distressed or impaired in social, occupational, or other areas of functioning, the disturbance is not attributable to the physiological effects of a substance.”*

c. *He meets the definition and criteria of needing emotional support. I am aware of Geoffrey's medical history and the challenges this presents him with. Geoffrey's diagnoses present him with certain challenges to his motivation and wellbeing, including but not limited to depression. To assist Geoffrey with his well-being, I recommend an*

emotional support animal or animals to help him cope with his emotional needs.

- d. His cognitions and behaviors are primarily concerned with what can be done to secure his parental rights, and he has little capacity for much else.*
- e. It is my professional opinion that at this time there is no reason to suspect that Mr. Pawlaczyk is a danger to himself or to others, and that the barriers that exist between him and his children are not benefiting any of their welfare. I advocate that the client be able to exercise his right to unsupervised visitation with his children.*
- f. The client should be permitted to choose myself or another clinician as he sees fit. The client's ability to choose a clinician is paramount to the success of any treatment and given the degree to which the client has been deprived of his agency in legal proceedings, it is particularly vital in this case.*
- g. "Mr. Pawlaczyk has been entirely cooperative in treatment and has made a substantial effort to engage in treatment. His circumstances and the events that preceded them have greatly impacted his mental, emotional, and physical health. He is greatly motivated by his desire*

to see his children, which has helped him maintain vigorous efforts despite significant pain”.

77) The evidence will show that the U.S. Equal Employment Opportunity Commission (<https://www.eeoc.gov/laws>) articulates and accurately acknowledges how “*substantially limiting*” Geoffrey Pawlaczyk’s verified disability is:

- a. *“Your condition does not need to be permanent or severe to be **“substantially limiting.”** It may qualify by, for example, making activities more difficult, uncomfortable, or time-consuming to perform compared to the way that most people perform them. If your symptoms come and go, what matters is how limiting they would be when the symptoms are present. Mental health conditions like **major depression, post-traumatic stress disorder (PTSD),** bipolar disorder, schizophrenia, and obsessive compulsive disorder (OCD) should easily qualify, and many others will qualify as well.”*
- b. *“If you have depression, post-traumatic stress disorder (PTSD), or another mental health condition, you are protected...”*

78) Americans with Disabilities Act of 1990, As Amended, Sec. 12101 note: Findings and Purposes of ADA Amendments Act of 2008, Pub. L. 110-325, §2, Sept. 25, 2008, 122

Stat. 3553, provided that:(a) *Findings Congress finds that— (1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities” and provide broad coverage;*

79) Americans with Disabilities Act of 1990, As Amended, Sec. 12101. Findings and purpose

(a) Findings; The Congress finds that— (5) *individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and **communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, **benefits, jobs, or other opportunities*****

80) The evidence will show that the Social Security Administration has strict criteria for PTSD will check to see that you meet the conditions listed under section A, plus the conditions listed in either section B or C.

- You have medical documentation of all of the following:
- You were exposed to or threatened with death, serious injury, or violence.
- You involuntarily re experience the event through intrusive memories, dreams, or flashbacks.
- You avoid reminders of the event.
- You experience mood and behavior changes.

- You're more reactive, including a heightened startle response and difficulty sleeping.

AND (B)

- You're extremely limited in at least one of the following areas or markedly limited in two or more:
 - Understanding, remembering, or applying information
 - Interacting with others
 - Concentrating, persisting, or maintaining a steady pace during work activities
 - Adapting or managing your behaviors and emotions

OR (C)

- Your PTSD has persisted for at least two years, and you have evidence showing:
 - You've received medical treatment, therapy, support, or created highly structured settings that effectively reduce your PTSD symptoms.
 - You have difficulty adjusting to change, including to demands that aren't already part of your daily life.
 - Note that for the criteria in section B, the SSA defines extreme limitation as an inability to function "independently, appropriately, effectively, and on a sustained basis." With a marked limitation, you may still be able to function independently, but your ability to do so is greatly reduced or inconsistent.

81) **The evidence has shown and verified that Geoffrey Pawlaczyk is diagnosed with Major Depressive Disorder and PTSD** and he experiences symptom *which prevent*

him from participating in daily activities, his cognitions and behaviors are primarily concerned with what can be done to secure his parental rights, and he has little capacity for much else and furthermore, Geoffrey Pawlaczyk's condition condition does not need to be permanent or severe to be "substantially limiting," and also effect his benefits, jobs, or other opportunities that has clinically diagnosed and verified by licensed, competent and qualified Healthcare Providers in good reputable standing in their respected profession.

AFFIDAVIT (SWORN STATEMENT)

Date: February 13, 2024

My legal name is Geoffrey Pawlaczyk ("Affiant") and acknowledge I am:

Age: 47

Address: 215 West Bandera RD Boerne TX, 78006

Residency: USA

Being duly sworn, hereby swear under oath and under the penalty of perjury, I hereby declare and affirm the the statements contained in this document and Additional Supporting Facts and Exhibits are true, accurate and material for the document to be considered in its entirety for consideration in rendering a conclusion is in the name of justice and is in the interest of the public to promote public confidence in the right of every citizen to be judged on all the evidence and that this document is considered in full as if the following was verbally recited verbatim by Geoffrey Pawlaczyk the same as if he was physically present in a proceeding under oath and under the penalty of perjury and recorded into the official record of any relevant proceeding and matter of cause number 20-439.

Affiant's Signature

Date: February 13, 2024

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only of the individual who signed the document to which this certificate is attached, and the truthfulness, accuracy, or validity of that document.

Sate of: Texas County of: Kendall

On:

Date: February 7, 2024

before me, Norah Lisa Cronen

Personally appeared Geoffrey D. Pawlaczyk who proved to me on this basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person(s), or the entity upon of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of Texas that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature

(Seal)

