

2-4-2016

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

from: **Udo Birnbaum**

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

### **Synopsis**

What was in it – for Judge Banner?

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

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

### **Ladies and Gentlemen:**

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

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

AFFIRMED; Opinion issued October 23, 2003. In The Court of Appeals Fifth District of Texas at Dallas No. 05-02-01683-CV UDO BIRNBAUM, Appellant V. THE LAW OFFICES OF G. DAVID WESTFALL, P.C., G. DAVID WESTFALL, CHRISTINA WESTFALL, AND STEFANI PODVIN, Appellees. On Appeal from the 294<sup>th</sup> Judicial District Court Van Zandt County, Texas Trial Court Cause No. 00-00619 OPINION Before Justices Whittington, Wright, and Bridges Opinion By Justice Whittington

Securing Execution of Document by Deception – by Judge Paul Banner

*Sanctions Order*

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

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

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

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

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

**Summary**  
**Judge Paul Banner – as a principal:**

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

**Judge Banner was clearly WARNED**

**REAL AUDIO** – a doozy – Hearing before **Judge Paul Banner** Nov. 14, 2014. Judge Banner taunting me – with me finally reading him “the riot act” – Judge Banner nevertheless REVIVING his own fraudulent 2002 Order on Motion for Sanctions. At [www.OpenJustice.US](http://www.OpenJustice.US). ([www.CourthouseAwarenessNews.com](http://www.CourthouseAwarenessNews.com)) **A MUST HEAR!**

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

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

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

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UDO BIRNBAUM  
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ATTACH:

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