

25-0361

IN THE SUPREME COURT
OF TEXAS

IN RE: CHARLES DUSTIN MYERS, RELATOR.

On Petition for Writ of Mandamus

to the 322nd Judicial District Court, Tarrant County
322-744263-23 & 322-744538-23 & 233-765358-25

On Mandamus Review from case number:

02-25-00166-CV

in the Second District Court of Appeals, Fort Worth, Texas

Hon. Jeff Kaitcer Presiding

AFFIDAVIT OF CHARLES DUSTIN MYERS

Respectfully submitted by:

Charles Dustin Myers, Relator

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Pro-se Relator

Affidavit of Charles Dustin Myers (Relator)

STATE OF TEXAS, COUNTY OF DENTON

Before me, the undersigned authority, on this day of May 12, 2025,
personally appeared Charles Dustin Myers, who being duly sworn, deposed
as follows:

TO THE HONORABLE SUPREME COURT OF TEXAS:

1. My name is Charles Dustin Myers. I am over the age of 18, of sound mind, and competent to make this affidavit. I am the Relator in the above-captioned matter before the Supreme Court of Texas. All facts stated herein are within my personal knowledge or belief and are true and correct or are stated with factual support from the *Consolidated Mandamus* record attached as Exhibit A in the *Motion to Consolidate as amended*, filed on May 8, 2025.
2. I am the father of two minor children, M.E.M. and C.R.M., (ages 7 and 8) who are the subject of this case. Morgan Michelle Myers (“Morgan”) is my wife and the mother of our children. I make this sworn statement in support of my request for an emergency stay, with the sole objective of protecting our children’s well-being and reuniting with them in our family home pending resolution of these matters. I declare the following under penalty of perjury:

Prior to the State's intervention on January 16, 2024, (**R. 158**) I was an active, involved, and loving father that cared for both of my daughters each day. I helped them get ready in the mornings, walked them to school, visited them for lunch time, and picked them up. While they were at school, I worked from home where I would provide real-time market data services to clients across the United States and Canada. I was responsible for all the household finances, including rent, both car payments, and ensuring our children and my spouse remained financially stable and safe, and used the daytime to ensure these obligations were met. When the children return home from school, I would assist them with any homework, play with them outside, and prepare meals for them.

Morgan Michelle Myers benefitted from these efforts and worked part time at the Watauga Recreation Center during the evenings (**R. 65 at 5**), where I would watch over the children, help them with their after-school activities, including homework and extra-curriculars such as dance class, and would get them ready for bed each night and read them a story. In essence, I was involved in every aspect of their life from the time they woke up in the morning until they went to sleep in the evenings.

Around October of 2022, Morgan began communicating extensively with an individual named Damen Kazlauskas, which exponentially grew into

an extramarital affair which peaked right around the sudden Divorce announcement made by Morgan on December 1, 2023. The levels of communication between these individuals exceeded all other contacts other than Debbie Price, a friend of hers, who helped facilitate this extramarital affair. **(R. 231)**. The discovery of these interactions led to the subsequent pleadings that followed, which were prepared in part by third parties not named in the suit **(R. 1686)**.

In totality, Morgan intentionally lied to the trial court below when she stated the following:

1. That she was financially indigent. **(R. 60-72)** Morgan had access to the joint marital bank account, which she depleted with the assistance of a third party, who admitted this. **(R. 1685)** Morgan herself even admitted that this occurred. **(R. 1691-1692)** The bank statement also shows this transaction occurred. **(R. 1682)**
2. That we stopped living together as couples on December 1, 2023. I remained in our family home caring for our daughters up until my removal on January 16, 2024 and continued to pay for bills and household expenses. **(R. 1711)**
3. I affirm my sincere belief that any reasonable person reviewing Morgan's **Original Petition for Divorce** would immediately

recognize multiple internal contradictions that warrant concern. On one hand, she requested **joint managing conservatorship (R. 51 at a-2)**, while simultaneously asserting that she had filed for an **emergency protective order on December 14, 2023 (R. 54 at 9B)**. In that same filing, she claimed that a protective order was already in effect and that it included a **judicial finding of family violence** committed by me during the marriage (**R. 54 at 10**)—a serious allegation that has never been substantiated by evidence, hearing, or court order.

4. In that same initial pleading, Morgan declared both family vehicles as **her separate property (R. 55 at 11B)**.
5. She further alleged that she would be **abused or harassed** if I were granted access to her contact information, a claim that directly contradicts her stated request for **joint managing conservatorship**, which necessarily requires regular and cooperative communication between both parents for decision-making related to the children. (**R. 57 at 15**)
6. Compounding the confusion, Morgan proceeded to file a **second application for a protective order on December 22, 2023**—just eight days after her claim that she had already sought emergency

protection on December 14 and that an order was already in place.

This second application (**R. 79–80**) reiterated many of the same allegations, which remain **unproven and unsupported by any judicial finding** to this day.

7. On December 22, 2023, Morgan filed a second application for a protective order in which she alleged that an incident of family violence occurred on December 18, 2023. However, on December 19, 2023—one day after the alleged event—she sent me a text message stating, “The only thing filed is a petition for divorce. It's not an actual agreement. All the details that we need to sit down and agree on will officially happen in 61 days.” (**R. 1692**)

These deceptive actions are apparent from the face of the record, have been alleged without any rebuttal or denial of these claims, and lead to the removal of my home, business, and children's lives on January 16, 2024.

These were not minor errors. These false allegations were so significant, and have had life-altering effects on myself and my children, whose relationship has been affected by these initial decisions substantially. What's worse is that after her advantage was secured, she began to cut me out of our children's lives, replacing me with the same individual she was texting in the beginning of this ordeal, Damen Kazlauskas. Her deception is extraordinary.

CONCLUSION

In sum, I have maintained respect for the tribunal below and for all parties involved. But what has occurred in this case is **egregious, damaging, and unredressed**. For over **fourteen months**, I have sought clarity as to how a situation this self-evidently flawed could persist without correction—**unopposed, undisputed, and unadjudicated**. A failure of this magnitude should never occur, especially when the record shows silence from the party that obtained everything and accountability from the one left with nothing. Based on the totality of the record and my direct experience, I solemnly affirm the following to be true and/or believe them to be true under penalty of perjury:

1. I *believe* I was denied a meaningful forum to assert my rights from the outset. From **day one**, I was placed at a significant disadvantage, stripped of my home, children, and livelihood, and every proceeding thereafter was procedurally imbalanced.
2. I *believe* Morgan's pleadings were so materially deceptive and fundamentally fraudulent that they created a prejudicial narrative that foreclosed any fair opportunity for me to respond or defend myself.

3. I *believe* that my decision to terminate prior counsel and proceed pro se, while necessary, deepened the imbalance created by the initial misrepresentations.

4. I *believe* Morgan's current counsel lacks lawful authority to prosecute this case. There has been no substantive litigation effort or evidentiary advancement, and the silence is conspicuous. It is also highly suspect that a party who declared **financial indigency** could **immediately retain counsel** upon being compelled to substantiate her claims.

5. I *know* that I have never been granted a fair or complete opportunity to present evidence refuting Morgan's claims or to fully defend myself on the record.

6. I *know* that Morgan has not supported any meaningful co-parenting relationship. I routinely go weeks without contact with my children—including on major holidays and birthdays—despite our previously close and daily bond.

7. I *know* that Morgan routinely leaves the children in the care of relatives during the day, depriving them of both parental presences they once had under one roof.

8. I *know* that Morgan intentionally **concealed her extramarital affair**—discovered on December 12, 2023—and has since pursued it to the point of being engaged to Damen Kazlauskas, a man now introduced into our children’s lives in my absence.

9. I *know* that the settlement agreement executed early in this case was drafted while I was under extreme procedural duress and misled circumstances, and that my own counsel’s actions in preparing it led to his termination and my formal challenge of the agreement.

10. I *know* that if no temporary relief or stay is granted **by May 16, 2025**, I will become homeless, without a place to live, work, and with no access to my children, which I believe is precisely the outcome Morgan has orchestrated.

11. I *know* that had this matter been heard in a neutral and properly balanced tribunal from the beginning, Morgan would not have received sole custody or exclusive possession of the residence. A fact-driven court would have concluded the obvious: I am a fit, loving father, and the last year and a half has been spent trying—against all odds—to protect my children’s future from a parent whose conduct has caused lasting harm.

12. I know that if temporary relief is granted, I will immediately return to the family residence, conduct myself with calm and civility, reunite with my children, and begin restoring what was unjustly taken from them—a stable home with both parents involved in their lives.

13. Finally, I know that mistakes happen. We are all human. And despite the pain and injustice I have endured, I remain deeply grateful for this institution of law, and the fact that this remedy exists. Without this Court’s jurisdiction, all would have already been lost. But through these proceedings, I place my trust in a system that—when it works—has the power to correct what lower tribunals failed to.

It is not vengeance I seek, but restoration. It is not suffering I wish to inflict—but only explanation I seek to extract. It is not conflict I bring, but a plea for healing—to permit my return home and allow my daughters to have their father again, so that we may navigate this divorce as the Family Code intended: with dignity, fairness, and without the irreversible sacrifice of a loving parent.

FURTHER AFFIANT SAYETH NOT.

/s/ Charles Dustin Myers
Charles Dustin Myers, Affiant

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: Jurat

Document Date: 05/12/2025

Number of Pages (including notarial certificate): 11

State of Nevada

County of Clark

Signed and sworn to (or affirmed) before me

on 05/12/2025 by Charles Dustin Myers.



Jerry L. Withers

NOTARY PUBLIC
STATE OF NEVADA

Appt. No. 05-99487-1

Expires September 17, 2027

Notarized remotely using audio-video communication technology via Proof.