

322-744263-23

IN THE 322<sup>ND</sup> DISTRICT COURT  
OF TARRANT COUNTY, TEXAS

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Morgan Michelle Myers,

Petitioner,

v.

Charles Dustin Myers,

Respondent.

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And In the interest of M.E.M. and  
C.R.M., two children.

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§**NOTICE TO THE  
HONORABLE  
DAVID L. EVANS**

Fundamental judicial ethics demand that judges act with independence, integrity, and impartiality, and that they comply with the law and avoid any conduct that could undermine public confidence in the judiciary. Lawyers, in turn, are required to act honestly, avoid misconduct, and not engage in actions prejudicial to the administration of justice, with violations subject to disciplinary action.

When criminal activity by a judge is brought to the attention of judicial administration—such as a regional judge or judicial council—there are established processes for investigation and discipline, which may include censure, suspension, or removal, depending on the severity and nature of the misconduct. These processes are governed by statutory authority, codes of conduct, and the inherent powers of the judiciary, with oversight mechanisms in place at both the state and federal levels to ensure accountability and the proper functioning of the justice system.

While judicial immunity is a broad doctrine, it does not apply here, as explained below.

## **I. Texas RICO Statutes and Judicial Authority**

1. Texas law criminalizes participation in an enterprise through a pattern of racketeering or unlawful debt collection, making such conduct a second-degree felony (Tex. Pen. Code § 72.04). The law also prohibits acquiring or maintaining an interest in property or control of an enterprise through racketeering or unlawful debt collection (Tex. Pen. Code § 72.03). These statutes are directly implicated by the conduct described, which includes coordinated fraudulent filings, tampering with court records, and the collection of unlawful debt.

2. Texas courts are empowered to prevent, restrain, and remedy racketeering by issuing appropriate orders, including injunctions, receiverships, constructive trusts, and other remedies as necessary to halt ongoing criminal activity and protect affected parties (Tex. Civ. Prac. and Rem. Code § 140A.102). This broad remedial authority is specifically designed to address situations where judicial processes are being abused as part of a racketeering enterprise.

3. When a district judge has probable cause to believe that an offense has been committed against the laws of Texas, the judge may request the presiding judge of the administrative judicial district to appoint a district judge to commence a Court of Inquiry, which allows for the summoning and examination of witnesses in relation to the offense (Tex. Code Crim. Proc. § 52.01). This mechanism is particularly relevant where the alleged criminal activity involves court officials or the integrity of the judicial process itself.

4. The Regional Presiding Judge has supervisory authority over the administration of justice within the region and is responsible for ensuring that courts operate with integrity and in compliance with procedural rules (Tex. Gov't. Code § 74.058).

## **II. RICO Enterprise and Pattern Requirements**

5. A RICO enterprise is broadly defined to include any group of individuals associated in fact, whether or not a legal entity, and can encompass both legitimate and illegitimate enterprises (RICO: A Primer (2022-01-31)). The pattern requirement is satisfied by at least two predicate acts that are related and pose a threat of continued criminal activity, with continuity and relationship being key elements (RICO: A Primer (2022-01-31); Racketeer influenced and corrupt organizations. (2008-03-22)). Predicate acts may include mail and wire fraud, extortion, and the collection of unlawful debt.

6. RICO can be applied in civil actions, including in the context of divorce proceedings, where the plaintiff can show injury to business or property as a result of the enterprise's actions. The definition of "enterprise" is interpreted broadly and does not require infiltration of a legitimate business; it can consist solely of illegal acts.

## **III. Analysis**

### **A. Existence of a RICO Enterprise and Pattern of Racketeering**

7. The facts establish the existence of an ongoing enterprise involving multiple actors—Petitioner, her co-conspirator, attorneys, and court staff—who have coordinated to achieve the broader objective of depriving the Respondent of property, business interests, and parental rights. The enterprise's activities include:

- i. Preparation and filing of fraudulent court documents containing material misrepresentations.

- ii. Tampering with official court filings, including the unauthorized alteration and removal of exhibits and affidavits from a recusal motion.
- iii. Compelling execution of fraudulent court orders, including orders prepared by unauthorized individuals and containing false statements.
- iv. Collection of unlawful debt through the use of documents with questionable or fraudulent attorney signatures.
- v. Ongoing threats, intimidation, and interstate communications designed to further the scheme and suppress the Respondent's efforts to seek relief.

8. These acts are not isolated; they are related by purpose (depriving Respondent of property and business interests), participants (the same group of individuals), victims (Respondent), and methods (fraudulent documents, abuse of court processes, and misuse of official positions). The continuity element is satisfied by the ongoing nature of the conduct, which has persisted for at least 18 months and continues to produce new predicate acts, creating a future threat of criminal activity.

## **B. Predicate Acts and Statutory Violations**

9. The conduct described constitutes multiple predicate acts under both Texas and federal law:

- i. The use of electronic filing systems and email to transmit fraudulent documents and altered court filings.

ii. Compelling compliance with fraudulent court orders, especially where judicial authority is used to obtain property or business interests, constitutes extortion under color of official right (Tex. Pen. Code § 72.04).

iii. The collection of child support not legally owed, using documents with questionable authenticity, constitutes the collection of an unlawful debt, which is independently actionable under RICO (Tex. Pen. Code § 72.03).

iv. The unauthorized alteration of court filings, particularly in the context of a recusal motion, directly undermines the integrity of the judicial process and constitutes a further predicate act in support of the enterprise's objectives.

10. These acts have directly injured the Respondent's business and property interests, including loss of home, business operations, and the ability to serve interstate clients, as well as deprivation of fair court proceeding, which undermines public trust in the judiciary.

### **C. Furtherance of the Initial Acts and a Pattern of Racketeering Activity**

11. These allegations, which Respondent argues he can substantiate in a Federal Court of Law, are facially established and amount to:

i. A violation of the Travel Act: Morgan Michelle Myers on December 17, 2023;

ii. Morgan Michelle Myers, Cooper L. Carter, and Jeffrey N. Kaitcer on

March 14, 2024, committed extortion and conspiracy to commit extortion<sup>1</sup>;

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<sup>1</sup> Jeffrey Kaitcer cannot rely on judicial immunity because he had no subject matter jurisdiction to preside over a de novo request of his own prior order, and the act of extortion is not a judicial act.

- iii. Morgan Michelle Myers on December 15, 2023; Cooper L. Carter on May 19, 2024, each committed induvial predicate acts of wire fraud;
- iv. James Munford, and Lindsey baker each committed induvial acts of wire fraud and conspiracy to commit wire fraud on October 8, 2024.<sup>2</sup>

#### **D. Judicial Immunity**

12. While judicial immunity generally protects judges for acts performed in their judicial capacity, this immunity does not extend to acts taken in the clear absence of all jurisdiction or to nonjudicial acts. Altering a recusal motion after it has been filed, or taking further action in a case after a recusal motion has been submitted, may fall outside the scope of judicial immunity (Tex. Civ. Prac. and Rem. Code § 140A.102). Attorneys, private parties, and government officials do not enjoy judicial immunity for predicate acts under RICO.

#### **E. Intervention is Needed**

13. It is important to note that the ultimate determination of criminal liability or civil RICO liability will depend on the outcome of a full investigation and, if necessary, judicial proceedings. However, the facts as presented are sufficient to trigger the Regional Presiding Judge's duty to investigate and take corrective action.

14. The Regional Presiding Judge's supervisory authority under Texas Government Code § 74.058 includes ensuring that all courts within the region operate with integrity and in compliance with procedural rules. When credible allegations of criminal activity and abuse of

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<sup>2</sup> Judicial immunity will fail here. This act was done outside of the presence of the parties, it is not an official setting, and is not a normal judicial function to manipulate pleadings from their original form.

process are presented, the judge must act to restore the integrity of the judicial process and protect the rights of the parties.

15. Failure to intervene in the face of such allegations would not only perpetuate the harm to the Respondent but would also undermine public confidence in the judiciary and the rule of law and create further litigation efforts.

#### **F. Preventative Measure**

16. Respondent will have no choice but to initiate a federal action against the individuals named above to protect his interests in the absence of corrective measures.

17. Respondent reminds this Court that this notice comes in good faith, and is an attempt to prevent any inadvertent actions in furtherance of the initial RICO enterprise formed prior to this litigation. See *Myers v. Branthoover* (W.D. Okla. Sept. 2025).

Respectfully submitted,

/s/ Charles Dustin Myers  
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PRO-SE RESPONDENT

#### **CERTIFICATE OF SERVICE**

Pursuant to Tex. R. Civ. P. 21a, a true and accurate copy of this notice was served upon all parties of record on this 8<sup>th</sup> day of September, 2025.

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS

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