

NO. 25-0458

IN THE SUPREME COURT OF

TEXAS

IN RE: CHARLES DUSTIN MYERS

§ RELATOR'S STATEMENT

TO THE HONORABLE SUPREME COURT OF TEXAS:

Relator CHARLES DUSTIN MYERS ("Myers") respectfully submits this statement to the Court out of deep concern for our Texas Judiciary, the future of our State, and the children who will be our future leaders.

I. Summary

1. The Texas judiciary has systematically failed Charles Dustin Myers and his children through an interconnected pattern of procedural violations, refusal to address meritorious claims, and disregard for clear mandates of law requiring prioritization of children's welfare. This multi-level judicial breakdown—from

unanswered trial court motions to unexplained appellate denials—demonstrates how when judges fail to uphold their constitutional and statutory responsibilities, vulnerable children suffer irreparable harm and citizens lose faith in the very institutions designed to protect them.

2. The case of Charles Dustin Myers reveals a troubling pattern of judicial failures at every level of the Texas court system. From trial courts that refuse to hear properly filed emergency motions affecting children's welfare, to appellate courts issuing unexplained *per curiam* denials, to the apparent unwillingness of the Supreme Court to exercise its supervisory authority, this case exemplifies a systemic breakdown in judicial accountability. These failing courts have ignored clear statutory mandates requiring that proceedings involving children be conducted expeditiously and with the children's best interests as the "primary consideration."

3. The consequences of this judicial abdication extend far beyond a single case. When courts fail to fulfill their most basic duties—hearing motions, explaining decisions, correcting errors, and ensuring timely resolution—they not only harm the specific children involved but also send a dangerous message that the judiciary may selectively enforce laws and procedural requirements. This undermines public confidence in the legal system and suggests that self-

represented litigants may expect less protection from the courts, directly contradicting the fundamental promise of equal justice under law.

II. Background and Relevant Law

4. The Texas legal framework establishes clear and unequivocal responsibilities for judges at all levels when handling cases involving children. The Texas Family Code mandates that "[t]he best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child." Tex. Fam. Code § 153.002. This is not merely aspirational language but a binding directive that guides all judicial decision-making in family law cases.

5. Additionally, the Texas Government Code requires that courts "shall require that proceedings be conducted with dignity and in an orderly and expeditious manner and control the proceedings so that justice is done." Tex. Gov't. Code § 21.001. This provision establishes the fundamental duty of trial courts to ensure timely proceedings, particularly crucial in matters involving children's welfare.

6. For emergency situations, the Texas Family Code specifically authorizes courts to issue temporary orders "for the safety and welfare of the child." Tex. Fam. Code § 105.001. This provision acknowledges that situations involving potential harm to children may require immediate judicial intervention.

7. In cases involving termination of parental rights or similar matters affecting the parent-child relationship, the Texas Family Code emphasizes the need for expedited resolution, mandating that "[t]he appellate court shall render its final order or judgment with the least possible delay." Tex. Fam. Code § 263.405. This underscores the legislature's recognition that prolonged legal proceedings can themselves harm children.

8. The Texas Supreme Court also has specific statutory responsibilities regarding cases involving children. The Texas Government Code requires that "the supreme court, in conjunction with the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families, annually shall provide guidance to judges who preside over child protective services cases or juvenile cases to establish greater uniformity across the state." Tex. Gov't. Code § 22.0135. This provision recognizes the Supreme Court's supervisory role in ensuring consistent handling of cases involving children.

9. Furthermore, the Texas Supreme Court has authority to issue writs of mandamus to compel lower courts to fulfill their judicial obligations. The Texas Government Code specifically provides that "the supreme court or a justice of the supreme court may issue writs of procedendo and certiorari and all writs of quo warranto and mandamus agreeable to the principles of law regulating those writs"

against lower court judges. Tex. Gov't. Code § 22.002. This authority is essential for addressing situations where lower courts fail to act or act improperly.

Analysis of Judicial Failures in Myers' Case

III. Trial Court Failures

10. The record in Myers' case reveals profound failures at the trial court level that directly contravene the statutory mandates outlined above. Most egregiously, the trial court refused to hear Myers' properly filed emergency temporary restraining order (TRO), turning him away from the courtroom without a hearing. This refusal violates the court's basic ministerial duty to hear and rule on properly filed motions, particularly those alleging imminent risk to children.

As emphasized by Texas courts, "When a motion is properly filed and pending before a trial court, the act of considering and ruling upon that motion is a ministerial duty." *In re Layton*, 257 S.W.3d 794, 795 (Tex. App.—Amarillo 2008, orig. proceeding). The refusal to even consider an emergency application concerning child welfare directly contravenes this principle and the statutory mandate to prioritize children's best interests under Tex. Fam. Code § 153.002.

11. The court's refusal is particularly troubling given that it apparently acted swiftly on earlier applications filed by the opposing party, suggesting an inconsistent application of procedural standards. This differential treatment raises concerns about judicial neutrality, a principle that Texas courts have emphasized is

essential: "Our legal system only works when the parties can be confident that they are appearing before a neutral, detached, and fair judiciary." *In re The Tex. Dep't of Family & Protective Servs.* (2024).

12. Most disturbingly, the record indicates that the predicted harm to the child materialized after the court's refusal to hear the emergency motion—the youngest child suffered a preventable dental emergency. This outcome starkly illustrates how judicial inaction can directly lead to preventable harm to children, undermining the very purpose of the judicial system in family law matters.

IV. Appellate Court Failures

13. The Second Court of Appeals compounded the trial court's failures by issuing a series of *per curiam* denials without substantive explanation. The record indicates that Myers faced "nine per curiam denials from that court concerning the same set of underlying facts and without any opposition from the opposing party or the judges below." These unexplained denials directly contravene the appellate court's responsibility to provide reasoned decisions that address the issues raised. Texas law requires that appellate courts "must hand down a written opinion that is as brief as practicable but that addresses every issue raised and necessary to final disposition of the appeal." This requirement serves essential functions of "promoting respect for court decisions and confidence in the rule of law, enhancing the transparency we strive to achieve in our legal system, and upholding parties'

reasonable expectations that their arguments will be fairly heard and reasonably considered." *Indus. Specialists, LLC v. Blanchard Ref. Co.*, 652 S.W.3d 11 (Tex. 2022).

14. The appellate court's pattern of *per curiam* denials without addressing the substantive issues raised by Myers represents a significant departure from this standard. This failure is particularly concerning in a case involving children's welfare, where Tex. Fam. Code § 263.405 mandates expedition and resolution "with the least possible delay."

V. Supreme Court Inaction

15. Myers has filed multiple mandamus petitions that remain unanswered with the Texas Supreme Court, seeking intervention to address the lower courts' failures. This situation implicates the Supreme Court's responsibilities under Tex. Gov't. Code § 22.0135 to provide guidance in cases involving children and its authority under Tex. Gov't. Code § 22.002 to issue writs of mandamus to compel lower courts to fulfill their duties. The Texas Supreme Court has previously recognized that "[j]ustice demands a speedy resolution of child custody and child support issues." *Proffer v. Yates*, 734 S.W.2d 671 (Tex. 1987). The apparent failure to ensure such resolution in Myers' case contradicts this principle.

VI. Procedural Irregularities in Recusal Proceedings

16. The record reveals particularly troubling procedural irregularities in the handling of Myers' recusal motion. Texas Rule of Civil Procedure 18a establishes mandatory procedures for recusal motions, which appear to have been disregarded in multiple ways:

- i. The court coordinator, rather than the clerk of the court, handled recusal documentation, despite Rule 18a(e)(1)'s explicit assignment of this duty to the clerk. (25-0426)
- ii. Associate Judge Kaitcer issued an order referring himself for recusal despite not being named in Myers' recusal motion. (25-0426)
- iii. The assigned judge summarily denied the recusal motion without a hearing, and also denied "a motion that was never filed." (25-0458)

17. These procedural violations are significant because they directly affect the integrity of the recusal process, which is designed to ensure judicial impartiality. The fact that the court coordinator "serves at the pleasure of the judge being recused" creates an inherent conflict of interest that undermines the independence of the recusal process.

18. Most concerning is that after Myers filed a mandamus petition challenging these procedural irregularities, the assigned judge quickly issued summary denials of the recusal motions, potentially to "prevent mandamus adjudication." This timing suggests an attempt to evade appellate review rather than a good-faith effort to ensure proper judicial process.

VII. Consolidation Order Violations

19. The record also indicates that Judge Kenneth Newell of the 233rd District Court granted a contested motion to consolidate in violation of Tarrant County Local Rule 4.01(8)(a), which explicitly requires that "every motion to... consolidate... shall be filed in the earliest-filed case and the motion shall be heard in the earliest-filed case." This order was issued *sua sponte*, without notice to Myers, without a hearing, and without addressing Myers' timely filed objections. This consolidation order represents another instance of a trial court disregarding clear procedural rules designed to ensure fairness and consistency. The timing of this order—issued "mere moments after Relator sought appellate oversight" regarding the TRO denial—again suggests potential efforts to frustrate appellate review rather than ensure proper judicial process.

VIII. Broader Implications and Consequences

A. Harm to Children

20. The judicial failures in Myers' case have resulted in direct harm to his children. Most concretely, the refusal to hear the emergency TRO led to a preventable dental emergency for the youngest child. Beyond this specific incident, the ongoing procedural obstacles have prolonged the resolution of issues affecting the children's welfare, contrary to the statutory mandate to expedite such proceedings. (25-0367)

21. This prolonged uncertainty directly contradicts the legislative intent behind provisions like Tex. Fam. Code § 263.405, which was designed to "help to minimize the time that a child has to be subject to lengthy and distressing court proceedings." When courts at all levels fail to ensure expeditious proceedings, children remain in potentially harmful situations for extended periods, suffering consequences that may be irreversible.

IX. Undermining Public Confidence

22. The pattern of judicial failures in Myers' case severely undermines public confidence in the Texas judiciary. When trial courts refuse to hear properly filed motions, when appellate courts issue unexplained denials, and when procedural rules are selectively applied, the public reasonably questions the fairness and integrity of the judicial system.

23. This erosion of confidence is particularly concerning in family law cases, where the courts are entrusted with protecting society's most vulnerable members. As noted in secondary literature, Texas courts have been criticized for "failing to protect parents' constitutional rights" in a significant percentage of cases. When these criticisms are reinforced by cases like Myers', where procedural safeguards appear to be disregarded at multiple levels, the damage to public trust becomes systemic.

24. The case raises particular concerns about the treatment of self-represented litigants. The record suggests that Myers' pro se status may have influenced how his filings and arguments were treated, with the petition noting that "each Respondent named in these petitions has played their part in a broader pattern of systemic failure that seems to be derived from one singular line of reasoning: the Relator is representing himself pro-se." If courts apply different standards to represented versus self-represented litigants, this fundamentally undermines the promise of equal justice under law.

X. Creating Systemic Dysfunction

25. Perhaps most concerning is how the Myers case illustrates a potential culture of systemic dysfunction within the Texas judiciary. When trial courts see that their procedural errors or refusals to act are not corrected on appeal, there is little incentive to improve. When appellate courts see that their unexplained denials

do not lead to Supreme Court intervention, they may continue issuing such decisions. And when the Supreme Court fails to exercise its supervisory authority, the entire system lacks necessary accountability.

26. This dysfunction is exacerbated by what appears to be a lack of engagement from other participants in the judicial process. The record indicates that the "Real Party, and all Honorable Respondents collectively named herein have remained silent on the compounding issues before this Court," suggesting an environment where procedural irregularities are met with silence rather than correction.

27. In family law cases specifically, this systemic dysfunction makes it virtually impossible to fulfill the statutory mandate that "[t]he best interest of the child shall always be the primary consideration of the court." Tex. Fam. Code § 153.002. When procedural obstacles prevent meaningful hearings, when decisions lack reasoned explanations, and when cases are allowed to languish, children's best interests inevitably suffer.

XI. Conclusion

28. The case of Charles Dustin Myers and his children presents a disturbing portrait of judicial failure at multiple levels of the Texas court system. From trial courts that refuse to hear emergency motions, to appellate courts issuing unexplained denials, to apparent Supreme Court inaction, the case illustrates how

breakdowns in judicial responsibility can lead to direct harm to children and erosion of public confidence in the judiciary.

29. These failures violate specific statutory mandates, including the requirements to prioritize children's best interests (Tex. Fam. Code § 153.002), conduct proceedings expeditiously (Tex. Gov't. Code § 21.001), and resolve appeals involving children with the least possible delay (Tex. Fam. Code § 263.405). They also undermine fundamental principles of judicial neutrality, transparency, and accountability.

30. The systemic nature of these failures sends a dangerous message to the future of Texas: that procedural rules may be selectively applied, that self-represented litigants may receive less judicial protection, and that even clear statutory mandates regarding children's welfare may be disregarded without consequence. This message threatens not only the individuals directly affected but the legitimacy of the judicial system itself.

31. Addressing these failures requires action at all levels of the judiciary. Trial courts must fulfill their ministerial duty to hear and rule on properly filed motions, particularly those involving children's welfare. Appellate courts must provide reasoned explanations for their decisions that address the issues raised. And the Supreme Court must exercise its supervisory authority to correct clear errors and ensure compliance with statutory mandates.

Until such corrections occur, cases like Myers' will continue to erode public confidence in the judiciary and, most tragically, fail to protect the children whose best interests should be the courts' primary consideration.

32. Most importantly, the elephant in the room – the abuses of discretion that continue to be ignored at all levels of the judiciary – will only continue. There is no possible resolution to this case. Myers has no opponent other than the judiciary itself. Clearly, even when the law is on their side, politics trump the laws in Texas. Our children deserve better from this State, and accountability cannot continue to be placed second to politics.

33. There is only one solution in this matter: exercise discretion rather than deference. However, based on the history thus far, there is little to no indication that the right decisions will be made, perpetuating an unexplainable, unjustifiable, and disappointing display from our elected officials.

Respectfully submitted,

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