

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, ROBERT EDWARD DAVIS, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of **Texas**. I have personal knowledge of the facts herein, and can testify completely thereto; and
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.

1. BACKGROUND OF AFFIANT

I, Robert Edward Davis, am a pro se father of two young boys, and the victim of unconstitutional violations and direct abuse from sitting judges and other court actors.

2. STATEMENT OF PURPOSE

This Affidavit is being submitted as Evidence of a Complaint against **JUDGES KENNETH NEWELL & KATE STONE**, and numerous other Named and As Yet Unnamed court actors. This Affidavit is being submitted as Evidence of crimes being systematically committed by individuals within the Tarrant County Judiciary, OAG Child Support Division, numerous other court actors, and individuals not yet named. These crimes are ongoing and have been since the inception of Cause # **233-704630-21**). There is no Immunity for any Court actor who *knowingly and willingly* violates their Oath. These criminal actions have been taken by multiple individuals and entities, I believe in concert (i.e., think RICO), and were done knowingly and willingly for the sole purpose of personal gain, and harassing, damaging, and incapacitating the Affiant.

Most all who receive this Affidavit/Complaint (as outlined below) has taken an Oath of Office that should be similar to:

Article XVI, Section 1, of the Texas Constitution outlines the official oath of office as follows: "I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God."

In addition, before taking the oath of office and beginning the duties of office, each elected or appointed officer required to take the oath must also subscribe to the following statement:

"I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God." TEX. CONST., art. XVI, § 1.

Note. This Oath requires each of you to take action when presented with evidence of corruption, unlawful conduct by another official, or the appearance of unethical/illegal behavior. This Affidavit/Complaint serves the purpose of Evidence, as outlined below.

3. Constitutional Guidelines

Please take notice that “All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit...” (Texas Constitution, Article 2, Sec. 2).

Please take notice that We the People are endowed, by our Creator, with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

The Declaration of Independence: “We hold these truths to be self-evident, that all men are created equal, that they are endowed, by their Creator, with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.”

Please take notice that the abrogation of a right is unlawful. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.

U.S. Constitution, First Amendment: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

U.S. Constitution, Amendment 14, Section 1: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of 3 1 of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Maxim of Law: Void things are as no things.

4. STATUTORY GUIDELINES

The following Guidelines are taken from the Texas Code of Criminal Procedure (TCCP):

Art. 15.04. COMPLAINT.

The affidavit made before the **magistrate** or **district** or **county attorney** is called a "complaint" if it charges the commission of an offense.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Art. 15.05. REQUISITES OF COMPLAINT.

The complaint shall be sufficient, without regard to form, if it have these substantial requisites:

1. It must state the name of the accused, if known, and if not known, must give some reasonably definite description of him.
2. It must show that the accused has committed some offense against the laws of the State, either directly or that the affiant has good reason to believe, and does believe, that the accused has committed such offense.

3. It must state the time and place of the commission of the offense, as definitely as can be done by the affiant.
4. It must be signed by the affiant by writing his name or affixing his mark.

*Said **COMPLAINT** (as described herein) is then Submitted to a Magistrate as follows*

CHAPTER 4. COURTS AND CRIMINAL JURISDICTION

Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The following courts have jurisdiction in criminal actions:

1. The **Court of Criminal Appeals**;
 2. Courts of appeals, other than the Court of Appeals for the Fifteenth Court of Appeals District;
 3. The **district courts**;
 4. The **criminal district courts**;
 5. The magistrates appointed by the judges of the district courts of **Bexar** County, **Dallas** County, **Tarrant** County, or **Travis** County that give preference to criminal cases and the magistrates appointed by the judges of the criminal district courts of **Dallas** County or **Tarrant** County;
 6. The county courts;
 7. All county courts at law with criminal jurisdiction;
 8. County criminal courts;
 9. Justice courts;
 10. Municipal courts;
 11. The magistrates appointed by the judges of the district courts of **Lubbock** County;
 12. The magistrates appointed by the **El Paso** Council of Judges;
 13. The magistrates appointed by the **Collin** County Commissioners Court;
 14. The magistrates appointed by the **Brazoria** County Commissioners Court or the local administrative judge for Brazoria County;
 15. The magistrates appointed by the judges of the district courts of **Tom Green** County;
- CODE OF CRIMINAL PROCEDURE
- Statute text rendered on: 9/1/2024 - 148 -
16. The magistrates appointed by the judges of the district and statutory county courts of **Denton** County; and
 17. The magistrates appointed by the judges of the district and statutory county courts of **Grayson** County.

As can be clearly seen, many receiving this Affidavit are responsible and have Jurisdiction over this matter and must accept this Affidavit/Complaint.

Art. 15.03. MAGISTRATE MAY ISSUE WARRANT OR SUMMONS.

(a) A magistrate may issue a warrant of arrest or a summons:

1. In any case in which he is by law authorized to order verbally the arrest of an offender;
2. When any person shall make oath before the magistrate that another has committed some offense against the laws of the State; and
3. In any case named in this Code where he is specially authorized to issue warrants of arrest.

5. STATUTORY VIOLATIONS

PENAL CODE TITLE 8.

Sec. 39.02. ABUSE OF OFFICIAL CAPACITY.

(a) A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly:

- (1) violates a law relating to the public servant's office or employment; or
- (2) misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment.

OFFENSES AGAINST PUBLIC ADMINISTRATION, CHAPTER 39. ABUSE OF OFFICE

Sec. 39.03. OFFICIAL OPPRESSION.

(a) A public servant acting under color of his office or employment commits an offense if he:

- (1) Intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;
- (2) Intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or
- (3) Intentionally subjects another to sexual harassment.

Sec. 39.015. CONCURRENT JURISDICTION TO PROSECUTE OFFENSES UNDER THIS CHAPTER. With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 378 (S.B. [563](#)), Sec. 2, eff. June 15, 2007.

TEXAS CODE OF JUDICIAL CONDUCT

(As amended by the Supreme Court of Texas through September 1, 2024; Retrieved from: <https://www.txcourts.gov/media/1457109/texas-code-of-judicial-conduct.pdf>)

Canon 1: Upholding the Integrity and Independence of the Judiciary

Canon 2: Avoiding Impropriety and the Appearance of Impropriety in All of the Judge's Activities

Canon 3: Performing the Duties of Judicial Office Impartially and Diligently

Canon 4: Conducting the Judge's Extra-Judicial Activities to Minimize the Risk of Conflict with Judicial Obligations

Canon 5: Refraining from Inappropriate Political Activity

Canon 6: Compliance with the Code of Judicial Conduct

Canon 7: Effective Date of Compliance

Canon 8: Construction and Terminology of the Code

NOTE. I am not a legal professional, I am a private citizen with no legal training. Therefore, I am not responsible to outline every possible crime committed, but merely to provide enough for *Probable Cause*, which has been more than met with the following Statement of Facts.

6. STATEMENT OF LIMITED PRESENTATION OF FACTS

This affidavit does not include all of the facts known to me, but only those facts relevant and sufficient to establish probable cause. I have no duty to provide evidence to the accused, nor do I have any responsibility to conduct any investigation that falls under the purview of anyone receiving this Affidavit. I have met my burden as this Affidavit/Complaint establishes Probable Cause on its face.

7. STATEMENT OF FACTS

My name is **Robert Edward Davis** I am over the age of 18, of sound mind, and capable of making this affidavit. I have personal knowledge of the facts stated herein, which are true and correct.

1. 08/13/2021 TRO-ISSUED ON ROBERT EDWARD DAVIS. District Judge Kenneth Newell issued a Temporary Restraining Order *without any evidence of wrongdoing and/or danger to my children*, in violation of Natural Law and Constitutional Rights of my children and myself. Newell's *intentional and malicious* illegal prosecution of this Affiant is an overt violation of his Oath, which removes all jurisdiction and immunity from this corrupt judge. As noted in the recent Supreme Court of Texas hearing (23-0067, Sary v. Ethridge) on the known unconstitutionality of family court TROs, TROs are being used intentionally to circumvent the Constitution, just as in this case. This violation of the Constitution, the Rights of the children and Affiant, and legislative intent was *knowingly and willingly* assisted by Kelly Case (Bar#: 03954070, *currently inactive*), who as an Oath holder has violated their oath to uphold the Constitution. Additionally, as Mims has filthily Unclean-Hands and no party shall ever benefit from the Fruit of the Poisoned Vine, these initial crimes have set off a series of criminal behavior across a

period of years, engaged in willingly by all court actors for failing to report these ongoing crimes.

2. 07/14/2022 ORDER FOR PSYCH EVAL FOR RESPONDENT. An unnecessary (not prompted by any history of, or current issues with, mental health diagnoses) and intentional harassment of this Affiant. In fact, this Affiant was Sole Caretaker of our oldest child while the child's mother was incarcerated in Tarrant County, which is ironically when we found out the mother was pregnant with our second child. Again, a blatant and intentional abuse of discretion, but more seriously another overt violation of Oaths by Associate Judge Kate Stone (whose complete lack of competence can be seen here: <https://youtu.be/IzlGwEwK0Pc?feature=shared>) , the corrupt Constance Mims, and with testimony from Dr. Anthony Bean (Licensed Psychologist #37328). **NOTE.** Dr. Bean has repeatedly refused to provide the test scores, data, or other Federally Protected personal Mental Health information that I am legally entitled to. Showing the intentional conspiracy between these actors.
3. 08/05/2022 MOT FOR SALE OF PROPERTY AND APPOINTMENT OF REC At this hearing, Judge Newell refused my Evidence about the current realtor who was handling the sale of my property for market value, and instead at the urging of Constance Mims, and in violation of my Due Process Rights and Protections, Newell yet again disregarded his Oath and generated ruling void of all jurisdiction that is only present when the Oath is in good standing.
4. 08/24/2022 LETTER REQ CONTINUANCE ON MOTION FOR SALE As related to the above, this Affiant requested a continuance to try and obtain counsel, as Affiant's previous counsel quit due to affiant being indigent and in severe debt. As is required to assure Due Process is not violated, this request was DENIED by the corrupt Kenneth Newell at the urging of Constance Mims. **Note.** This Affiant filed an Indigent Form (Forma Pauperis) in late August/September due to the serious and devastating financial abuse that the 233rd has inflicted upon this Affiant. This Indigent Form was file stamped and received by the 233rd, yet has never been filed into this cause number. This Indigent Status precludes any attempts to jail this Affiant for non-payment, yet this clown-show of a court has let that exact this happen, repeatedly.
5. 09/26/22 Witness Notification Intentionally sent to wrong address State of Texas vs Felicia Davis GA036303. This Affiant was the witness in the case against the mother, a case that would yet again have the mother criminally punished, yet somehow and amazingly, the notice to appear for hearing for delivered to the *wrong address* and the criminal charges against the mother were dropped, I believe intentionally. When I contacted the courts and court actors, No person would explain nor investigate the situation, leading me to believe that even local law enforcement is participating in the constitutional violations that are so rampant in this cause. Benjamin Sampract, Andrea Phillips, Amy Pletscher, all with the Fort Worth Cities Attorney's Office, refused to address the failure to notify this Affiant of the impending trial and which this Affiant was

the Complainant, and these same named individuals have likely *intentionally and knowingly* interfered with this criminal matter, violating their Oaths of office.

6. 09/30/2022 (PROPOSED) AMENDED ORD CONFIRMING SALE OF REAL This is the date that my home was sold for approximately \$100,000.00 less than market value, via a forced and corrupt realtor working with Kerry L. Owens (Bar #: 00792734). This illegal sale of my home for personal gain was also facilitated by the corrupt Kenneth Newell and Constance Mims.
7. 07/03/2023 ORDER ON MOTION FOR CONTINUANCE - DENIED Judge Newell and Constance Mims again conspired to refuse this Affiant the ability to secure counsel, knowing Affiant was Indigent, and did so in order to complete the theft of his home, and damage this Affiant financially, physically, cognitively, and across all domains. Damage that will endure and never be fully assuaged. All court actors are very, very aware that Affiant has been almost homeless due to the financial abuses of the 233rd, yet they intentionally and knowingly abused their positions and the courts to inflict permanent damages upon the Affiant.
8. 08/23/2023 TRIAL This is the day that all court actors and participants (e.g. Dr. Bean) had setup to end my relationship with my children and force me into submission. This is the day where the crimes continued unabated, and in full view of every Oath holder and court actor, yet no complaints or actions to correct have ever been taken by any of them. This is the day that Kenneth Newell yet again violated his Oath by denying this pro se Affiant the ability to present evidence, among other violations. Kenneth is well aware of the Rights pro se litigants have been ensured by the Supreme Court of the United States, as Kenneth has had these exact case laws filed into numerous cases in the 233rd, or so I hear. All orders from this and previous hearings are *void ab initio*, as this court lost Jurisdiction when its judges violated their Oaths. Therefore, none of them have jurisdiction, and none have immunity from criminal prosecution or civil prosecution. Happy days.
9. Subsequent to this dumpster fire of a trial (e.g., 07/25/24, 08/13/24, 11/08/24), Kenneth Newell, the incompetent and corrupt Admin Title IV-D judges, the OAG Child Support Oath violators, and various court actors have continued to further violate the Rights and Protections of this Affiant via Contempt and/or Show Cause hearings, maliciously abusing the courts in order to illegally incarcerate this Affiant for being poor. Each of these hearings is a violation of their oath, as they are well aware of Affiant's Indigent Status, and that it is literally ILLEGAL to incarcerate someone for unpaid fees, or even attempt to jail them, when you know they are indigent.

Allegations against Specific Individual/Accused

Below is a fraction of the list of court other actors who have repeatedly, *knowingly and willingly* violated their Oaths, TRCP, State law, the Constitution, failing to conference, violating Due Process, and conspiring with the corrupt 233rd:

Craig S. Michalk - SBN: 14007900

Anne A. Smith - SBN: 24002957

Lynn Rodriguez - SBN: 24048772

Matthew Cacace - SBN: 24121522

Clint S. Dupew - SBN: 24040839

And As Yet Unnamed Actors

8. RELIEF

1. I, Robert Edward David, am DEMANDING the IMMEDIATE REMOVAL and/or IMPEACHMENT of (a) Kenneth Newell, (b) Kate Stone, (c) any Title IV-D judge, (d) or other judge who has been assigned to this underlying cause and failed to report these violations of Oath.
2. I, Robert Edward David, am DEMANDING a full investigation into the Tarrant County Family Courts, and specifically the corrupt 233rd and its actors. I DEMAND that the Office of the Attorney General Criminal Division be contacted to head this investigation and/or refer this case to the appropriate Federal agencies.
3. I, Robert Edward David, am DEMANDING a full investigation into the Tarrant County Office of the Attorney General Child Support Division, whose employees and court actors have a clear pattern of knowingly and willingly conspiring with the 233rd in the ongoing commissions of the Constitutional violations and crimes.
4. I, Robert Edward David, am DEMANDING that all OAG Child Support Division personnel (staff, court actors, administrators) associated with the underlying cause (**233-704630-21**) who have received any of the previous Evidence submitted to the OAG be IMMEDIATELY REMOVED from their position and referred for criminal indictment.
5. I, Robert Edward David, am DEMANDING an IMMEDIATE Injunction/Prohibition on all court actors in any further prosecution of any matters related to the underlying cause, until such time as a full and published investigation into the corrupt 233rd has been completed.

Please take notice that failure to respond indicates tacit acquiescence, whereby you agree to all claims herein, and this affidavit shall stand as evidence against you in all courts of record, that you do, with full known malice and intent, support the unlawful abrogation of the Peoples' Constitutional rights, **a**

10/8/2025

**SUPPLEMENT TO AFFIDAVIT IN SUPPORT OF CRIMINAL
COMPLAINT**

**IN RE: CRIMINAL REFERRAL OF JUDGE DAVID L. EVANS AND
JUDGE KENNETH NEWELL**

To Whom It May Concern:

This serves as a formal criminal referral and sworn complaint against the following public officials: Judge David L. Evans (Regional Presiding Judge, Eighth Administrative Judicial Region of Texas) and Judge Kenneth Newell (District Judge, 233rd Judicial District Court, Tarrant County, Texas). The attached evidence establishes probable cause that both judges have engaged in acts of Abuse of Official Capacity (Texas Penal Code §39.02), Official Oppression (§39.03), and Tampering with Government Records (§37.10). These actions were undertaken knowingly, while under an automatic judicial stay, rendering their orders—including multiple Capias Warrants—void ab initio.

This referral is supported by verified affidavits, certified transaction records, and filed appellate pleadings. Each demonstrates an ongoing criminal pattern within the Tarrant County judiciary that infringes upon the constitutional rights of Texas citizens, specifically Mr. Robert Edward Davis and his minor children.

I. STATEMENT OF JURISDICTION

Pursuant to Texas Code of Criminal Procedure Articles 2.01, 15.04, and 15.05, and Texas Government Code §74.059, the Office of the Attorney General Criminal Investigation Division and the State Commission on Judicial Conduct each have jurisdiction to investigate and prosecute violations of criminal statutes and judicial misconduct by public servants.

10/8/2025

The acts described herein occurred in Tarrant County, Texas, and involve state judicial officers subject to these provisions.

II. SUMMARY OF FACTS

On July 28, 2025, Mr. Davis filed an Emergency Motion to Disqualify/Recuse the presiding and associate judges in cause number 233-704630-21. Under Texas Rule of Civil Procedure 18a(f), this filing automatically stayed all proceedings until resolution. Despite this stay, on August 14, 2025, Judge Kenneth Newell and associated Title IV-D personnel caused a Capias Warrant to be issued against Mr. Davis. This warrant was void ab initio, as the court had no jurisdiction to act. The record shows the Capias was later recalled on August 18, 2025, confirming its illegality.

On or about September 12, 2025, while appellate jurisdiction was pending and while a recusal motion remained unresolved, Judge David L. Evans signed orders purporting to deny recusals and enforce prior void proceedings. This act violated Rule 18a(f), Tex. Gov't Code §74.059, and constitutes Abuse of Official Capacity and Tampering with Government Records.

III. LEGAL BASIS FOR CRIMINAL REFERRAL

1. Texas Penal Code §39.02 – Abuse of Official Capacity
2. Texas Penal Code §39.03 – Official Oppression
3. Texas Penal Code §37.10 – Tampering with Governmental Record
4. Texas Code of Judicial Conduct Canon 3(D)(2) – Mandatory Reporting of Judicial Misconduct

Each statute imposes criminal liability upon a public servant who knowingly violates the law relating to his office, subjects another to unlawful arrest, or falsifies an official record. The issuance and perpetuation of void Capias Warrants while jurisdiction was stayed constitute direct violations of these provisions.

IV. REQUESTED ACTIONS

10/8/2025

1. Immediate initiation of criminal investigation into Judges David L. Evans and Kenneth Newell.
2. Referral of this matter to a Special Prosecutor independent of Tarrant County.
3. Full audit of Title IV-D Capias and enforcement activity within the 233rd District Court.
4. Immediate recall and expungement of all void warrants issued under cause 233-704630-21.
5. Preservation of Mr. Davis's constitutional rights under the 4th, 5th, and 14th Amendments.

Respectfully submitted,

/s/ Robert Edward Davis

Robert Edward Davis, Pro Se

[REDACTED]

North Richland Hills, Texas 76180

Tel: [REDACTED]

Email: [REDACTED]

OCTOBER 8TH 2025

10/8/2025

UNSWORN DECLARATION

My name is Robert Edward Davis, my [REDACTED] and my address is [REDACTED] North Richland Hills, Texas 76180, Tarrant County, Texas, USA. I declare under penalty of perjury that the facts stated in the foregoing Criminal Referral of Judge David L. Evans and Judge Kenneth Newell and in any attached exhibits are within my personal knowledge and are true and correct.

Executed in Tarrant County, State of Texas, on this 8th day of October 2025.

/s/ Robert Edward Davis

Robert Edward Davis, Pro Se

[REDACTED]

North Richland Hills, Texas 76180

Tel: [REDACTED]

Email: [REDACTED]