

AFFIDAVIT OF JOSE PORTALATIN

STATE OF TEXAS *Parker*
COUNTY OF ~~TARRANT~~

JJ
BEFORE ME, the undersigned authority, on this day personally appeared Jose Portalatin, who, being by me duly sworn, deposed as follows:

1. My name is Jose Portalatin. I am over the age of eighteen (18) years, of sound mind, and competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are true and correct. I am the Petitioner/Applicant in the proceedings before the Supreme Court of Texas (SCOTX) and the Court of Criminal Appeals of Texas (CCA), seeking extraordinary relief through a Petition for Writ of Mandamus and an Application for Writ of Habeas Corpus, respectively, to address the unlawful Capias Warrant issued on October 3, 2024, by Tarrant County Criminal District Court 2; the baseless vexatious litigant designation entered on September 29, 2025; the orchestrated denial of due process by judicial actors including Hon. Kenneth Newell and Hon. David Evans; the failure of the Second Court of Appeals to intervene; and the criminal conspiracy involving Serve Bank to facilitate an illegal foreclosure of my homestead.
2. This affidavit is submitted in support of the aforementioned filings in SCOTX and CCA, incorporating by reference the exhibits and arguments therein, including the Bill of Review challenging the void 2021 divorce decree (Cause No. 231-635708-18) predicated on Marilyn Cavalie's perjury regarding my preexisting Nevada marriage, as evidenced by certified marriage records and text messages from February 6, 2018, wherein she admitted knowledge of said marriage.
3. Regarding the revocation of my community supervision (probation) and the issuance of the Capias Warrant: On or about October 3, 2024, Tarrant County Criminal District Court 2 issued a Capias Warrant for my arrest based on an alleged violation of my community supervision terms, specifically prohibiting contact with Marilyn Cavalie. This allegation stems solely from automatic eFile notifications generated by the Texas eFile system in an ongoing Suit Affecting the Parent-Child Relationship (SAPCR) case, where I filed required documents such as motions and responses. These notifications were system-

generated and did not constitute direct communication from me to Ms. Cavalie. At the time of these filings, Ms. Cavalie was not represented by an attorney in the case, as confirmed by court records and her lack of counsel of record. Under Texas Rules of Civil Procedure 21a and the eFileTexas system guidelines, service via eFile is mandatory and automatic for unrepresented parties, and such notifications do not equate to prohibited “contact” under any probationary terms, as they are procedural and not substantive or personal in nature.

4. The purported violations cited in the State’s Petition to Proceed to Adjudication (filed around October 7, 2025) reference dates coinciding with my legitimate filings in the SAPCR case, including efforts to oppose a motion to declare me a vexatious litigant and to seek a default judgment against Ms. Cavalie for her failure to respond after proper service. No evidence exists of any direct contact, harassment, or intent to violate terms; rather, this is a pretextual use of criminal process to obstruct my civil defenses, silence my filings, and facilitate the foreclosure of my homestead by Serve Bank, who engaged in ex parte communications with opposing counsel and withheld a reinstatement letter until less than 24 hours before the scheduled sale.
5. These actions by the court and related actors violate my constitutional rights under the Fifth and Fourteenth Amendments to the U.S. Constitution (due process and equal protection), the Fourth Amendment (unreasonable seizure via the Capias), and Texas Constitution article I, sections 10 (protection from unreasonable searches and seizures), 13 (open courts), and 19 (due course of law for deprivation of liberty and property). The doctrines of unclean hands and fruit of the poisonous tree apply, as the initial fraud in the 2021 decree—rooted in perjury and lack of jurisdiction—taints all subsequent proceedings, including the probation revocation and Capias. Judicial actors, including Judges Newell and Evans, have employed procedural mechanisms to perpetrate these crimes, such as refusing to hear my Verified Affidavit in Support of Criminal Complaint, Bill of Review, and Emergency Ex Parte TRO, thereby committing official oppression (Texas Penal Code § 39.03) and conspiracy against rights (18 U.S.C. § 241).
6. The Second Court of Appeals has failed to address this overt corruption, breaching its oaths and duties, necessitating its immediate recusal. The statewide implications are profound: This pattern of judicial abuse in Tarrant County undermines public confidence

in Texas courts, erodes uniform constitutional protections, and invites systemic criminality if unchecked. I demand referrals for investigation and prosecution by the Texas Office of the Attorney General (OAG) and U.S. Department of Justice (DOJ), as these are not discretionary matters but mandatory responses to evident felonies by public officials.

7. I have suffered irreparable harm, including over a year of illegal home confinement that prevented employment and led to the foreclosure crisis, psychological torture from repeated due process denials, and the threat of unlawful incarceration via the Capias. A permanent stay or injunction is essential, as prior stays have been ignored through procedural gamesmanship.
8. Attached hereto as exhibits are copies of relevant documents, including but not limited to: the Capias Warrant (Exhibit A), Vexatious Litigant Order (Exhibit B), eFile Notification Records (Exhibit C), Bill of Review (Exhibit D), Emergency TRO Filing (Exhibit E), and Correspondence with Serve Bank (Exhibit F). These support the facts averred and demonstrate the criminal nature of the proceedings against me.

FURTHER AFFIANT SAYETH NOT.

Jose Portalatin.

signature

Date:

10-9-25

Burleson, TX 76028

SUBSCRIBED AND SWORN TO BEFORE ME by Jose Portalatin, who is personally known to me or who has produced [type of identification, e.g., Texas Driver's License] as identification, on this 9th day of October, 2025.

Notary Public Signature

Printed Name: Joshua Johnson

Notary Public, State of Texas

My Commission Expires: 04/25/27.

