

No. 22-6227

IN THE

SUPREME COURT OF THE UNITED STATES

PETER CORINES

Appellant/Petitioner, pro se

v.

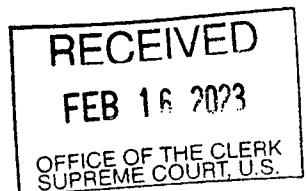
NEW YORK

Respondent

On Petition for a Writ of Certiorari

PETITION FOR REHEARING

CERTIFICATION PURSUANT TO RULE 44

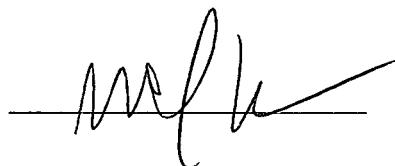


PETER J. CORINES, petitioner *pro se* respectfully submits this petition, pursuant to Supreme Court Rule 44(1) and (2) for Rehearing, and hereby certifies that:

This Petition is submitted in good faith and not for delay; that the grounds for rehearing are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

Respectfully submitted:

Dated: February 13, 2023



Peter J. Corines

Petitioner *pro se*

249 Park Avenue

Eastchester, New York 10709

Tel: 914 652 7386

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TABLE OF AUTHORITIES

1. 18 U.S. Code § 1621 - Perjury generally

Whoever—

(1)

having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2)

in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

2. 210.15 Perjury in the first degree.

A person is guilty of perjury in the first degree when he swears falsely and when his false statement (a) consists of testimony, and (b) is material to the action, proceeding or matter in which it is made.

Perjury in the first degree is a class D felony.

3. § 210.20 Perjury; pleading and proof where inconsistent statements involved.

Where a person has made two statements under oath which are inconsistent to the degree that one of them is necessarily false, where the circumstances are such that each statement, if false, is

perjuriously so, and where each statement was made within the jurisdiction of this state and within the period of the statute of limitations for the crime charged, the inability of the people to establish specifically which of the two statements is the false one does not preclude a prosecution for perjury, and such prosecution may be conducted as follows:

1. The indictment or information may set forth the two statements and, without designating either, charge that one of them is false and perjuriously made.
2. The falsity of one or the other of the two statements may be established by proof or a showing of their irreconcilable inconsistency.
3. The highest degree of perjury of which the defendant may be convicted is determined by hypothetically assuming each statement to be false and perjurious. If under such circumstances perjury of the same degree would be established by the making of each statement, the defendant may be convicted of that degree at most.

4. 18 U.S. Code § 1622 - Subornation of perjury

Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.

PETITION FOR REHEARING

Petitioner, Peter J. Corines respectfully submits this petition. Petitioner believes that rehearing is appropriate in this case and that stay of the Denial of Petition for Certiorari dated January 17, 2023 should be granted pending review of the petition of writ for certiorari in this matter.

1. Fraud, deceit and misconduct by the prosecution resulted in petitioner's unjust conviction and incarceration

Petitioner was unjustly convicted and incarcerated for one year pursuant to an Indictment that was obtained using perjured testimony. A1, A2, A3

The testimony of this *ninety-eight year old* "victim" witness was known by the prosecutors to be untrue, yet its falsity was never made known to the Grand Jurors, the Court or defense counsel. In multiple responsive appellate documents, the State never denied the falsity of the grand jury testimony.

The grand jury transcript is *prima facie* proof that the "victim" in this case voluntarily gave perjured testimony and that her perjury was encouraged by the prosecutors. The prosecutors violated their clear obligation to expose false testimony to the Court and Grand Jurors, as well as to the defense. The

consequences are clear and complicated by the fact that petitioner was never advised of the perjured grand jury testimony by either of his two retained defense lawyers.

The Westchester County Supreme Court was aware, or should have been aware, that the Indictment was suspiciously procured. But, it coerced petitioner to plead guilty by insisting that although the prosecution was seeking a seven to nine year sentence, the Court was offering this (short, one year) sentence was so that the ninety-eight year old “victim” could “avoid the stress of a trial”.A4 At that time, defendant-petitioner had not been made aware of the perjured grand jury testimony.

2. The New York Legislature has apparently abandoned hope of purging prosecutorial misconduct.

The Court decision blocking state legislation to create the Commission as an independent entity dedicated to investigating prosecutorial conduct in New York State was intended to strengthen oversight of New York’s prosecutors and holding them to the highest ethical standards in the exercise of their duties. The legislation, signed into law by Governor Cuomo, failed to survive the (lower) court challenge. It was not appealed. See Petition at pages 10-12

Unfortunately, this was compounded by the resignation of Andrew Cuomo as Governor of New York on August 23, 2021 and further aggravated by the

subsequent resignation of Janet Defiore, the Chief Judge of the NY Court of appeals.¹

3. Petitioner will suffer substantial prejudice in proceedings which are pending to restore petitioner's medical license²

The New York State Department of Education now attempts to insert this false conviction as additional evidence with which to deny restoration of petitioner's medical license revoked October, 1998. This proceeding began May 1, 2013.

Petitioner's false conviction (and incarceration) has been added as a footnote to papers submitted by the Department to the Board of Regents which has the authority to restore petitioner's medical license. The restoration proceeding was unlawfully delayed for eight years and is now the subject of appeal before the New York State Supreme Court, Appellate Division Third Judicial Department.

Petitioner believes that he is in a reasonable position to have the Board of Regents restore his medical license. The proceeding to restore Petitioner's Medical License will be negatively affected by this felony conviction.

¹ This is also not the first time this happened. In 1992 Chief Judge Sol Wachtler resigned and eventually pleaded guilty to harassing Silverman and threatening to kidnap her daughter.¹ Wachtler was sentenced to 15 months.

² Peter J. Corines v New York State Department of Education, Office of the Professions; Appellate Division case number: 535634; Albany Supreme Court, Index No. 10044-2021

4. "The true administration of justice is the firmest pillar of good government."³

The Court should review this case in the interest of justice because many citizens may be affected by unscrupulous prosecutors who seek victory at any cost and a "victim" instead of justice

Unequal application of the law by government officials is a major consideration for all citizens of this country and the perpetrators of the crime of perjury, in this case the government officials and "officers of the court" who permitted the perjured testimony of the "victim" in this case, should not go unscathed.

Radical and "woke" ideology has affected all parts of U.S. society including the Courts. The shameful persecution of Justices Kavanaugh and Alito are some of the worst examples of the pressures to which radical groups in our society resort.⁴

The junior prosecutor in this case apparently was a "woke" individual, appointed to the Westchester, N.Y. DA office not because of education or ability, but because of woke ideology. When pressured, the Court responded to her: "I know you never lie to me!, which proved to be untrue.

³ The inscription on the New York State Supreme Courthouse in New York City attributed to George Washington.

⁴ The leak of the Roe v Wade decision is another example of how activists can try to intimidate the court

The crimes committed by the prosecutors are worthy of prosecution.

Unfortunately the statute of limitations for perjury will have passed by July, 2023, but the instant case is an example of prosecutors who have gone woke and rebellious, believing that they are above the law. “Grand Jury be damned” is their belief. “We want victory”.

The “woke” climate that now pervades this country is subversive to our system of justice. Consequently, radical extremists have attempted to take control and seek to influence members of the Supreme Court by illegally persecuting them and their families.

Similarly, the “woke” extremists are forcing prosecutors and courts to enact bail reforms and other rules eliminating cash bail for many crimes. The United States Supreme Court must rule in such a manner as to demonstrate to its citizens that it cannot let the rule of law be overturned by “woke” prosecutors and judges.

In the face of obvious resistance to rule of law in New York, the second largest state in the country, the Court cannot let prosecutors act in violation of a defendant’s constitutional rights, as has happened in petitioner’s case. It cannot allow the New York prosecutors to reject the rule of law and feel enhanced by the Governor’s failure to enact the Commission on Prosecutorial Conduct. In that situation, the prosecutors become “unhinged” and unrestrained from prosecutorial abuses, as in this case.

This Court as the final arbiter of justice, has an obligation to let offenders know that they cannot be successful with corrupt convictions. The act of permitting perjury at the Grand Jury must be deterred and when proven, appropriately punished. The “unthinkable” occurred here and should be strenuously discouraged so that it does not again occur.

Wherefore:

Petitioner respectfully requests:

1. Order of the Court or of a Justice vacating the order of denial of Petition for Writ of Certiorari
2. That the petition for rehearing be granted and upon review,
3. That the Writ of Certiorari be granted

Respectfully submitted:



Peter J. Corines, M.D.

Dated: February 13, 2023

Petitioner, *pro se*
249 Park Avenue
Eastchester, New York 10709
Tel 914 652 7386

APPENDIX

A1. Excerpt power of attorney executed April 17, 2014 appointing Peter Corines as agent with broad authority

A2. Excerpt Transcript of Grand Jury Testimony of Bernice Porter in which she stated she "forgot" that Peter Corines had a power of attorney for her (page 7), and in which she affirmed her signature (page 9);

A3. Excerpt Transcript of Grand Jury Testimony of Bernice Porter in which she denied that she gave Peter Corines "permission, consent or authority". ("No, I did not."). Pages 17 and 28

A4. Transcript of Plea Proceedings, October 5, 2018 wherein the Court stated:
"the only reason I'm making this offer....I would rather not have a 98-year-old victim....go through the stress, which is stressful for anybody. Even a conditional examination, let alone a jury trial. That's my reasoning."

A1. Excerpt power of attorney executed April 17, 2014 appointing Peter Corines as
agent with broad authority

pp 1-5

(b) DESIGNATION OF AGENT(S):

I, Bernice Judd Porter, 537 Riverdale Ave, Apt 1103, Yonkers, NY 10705-5506, hereby appoint:
Name and address of principal

Peter J. Corines, 249 Park Avenue, Eastchester, NY 10709 as my agent(s)
Name(s) and address(es) of agent(s)

If you designate more than one agent above, they must act together unless you initial the statement below.

My agents may act SEPARATELY.

(c) DESIGNATION OF SUCCESSOR AGENT(S): (OPTIONAL)

If any agent designated above is unable or unwilling to serve, I appoint as my successor agent(s):

N/A

Name(s) and address(es) of successor agent(s)

Successor agents designated above must act together unless you initial the statement below.

My successor agents may act SEPARATELY.

You may provide for specific succession rules in this section. Insert specific succession provisions here:

N/A

(d) This POWER OF ATTORNEY shall not be affected by my subsequent incapacity unless I have stated otherwise below, under "Modifications".

(e) This POWER OF ATTORNEY does not revoke any Powers of Attorney previously executed by me unless I have stated otherwise below, under "Modifications."

If you do not intend to revoke your prior Powers of Attorney, and if you have granted the same authority in this Power of Attorney, as you granted to another agent in a prior Power of Attorney, each agent can act separately unless you indicate under "Modifications" that the agents with the same authority are to act together.

(f) GRANT OF AUTHORITY:

To grant your agent some or all of the authority below, either

- (1) Initial the bracket at each authority you grant, or
- (2) Write or type the letters for each authority you grant on the blank line at (P), and initial the bracket at (P). If you initial (P), you do not need to initial the other lines.

I grant authority to my agent(s) with respect to the following subjects as defined in sections 5-1502A through 5-1502N of the New York General Obligations Law:

- (A) real estate transactions;
- (B) chattel and goods transactions;
- (C) bond, share, and commodity transactions;
- (D) banking transactions;
- (E) business operating transactions;
- (F) insurance transactions;
- (G) estate transactions;
- (H) claims and litigation;
- (I) personal and family maintenance. If you grant your agent this authority, it will allow the agent to make gifts that you customarily have made to individuals, including the agent, and charitable organizations. The total amount of all such gifts in any one calendar year cannot exceed five hundred dollars;
- (J) benefits from governmental programs or civil or military service;
- (K) health care billing and payment matters; records, reports, and statements;
- (L) retirement benefit transactions;
- (M) tax matters;
- (N) all other matters;
- (O) full and unqualified authority to my agent(s) to delegate any or all of the foregoing powers to any person or persons whom my agent(s) select;
- (P) EACH of the matters identified by the following letters A-O
You need not initial the other lines if you initial line (P).

(g) MODIFICATIONS: (OPTIONAL)

In this section, you may make additional provisions, including language to limit or supplement authority granted to your agent.

However, you cannot use this Modifications section to grant your agent authority to make gifts or changes to interests in your property. If you wish to grant your agent such authority, you MUST complete the Statutory Gifts Rider.

N/A

I grant the following additional authority to my agent(s):

() (Q) to enter into and manage estate transactions, including waivers and consents;

() (R) to make statutory elections and renounce or disclaim any interest by testate or intestate succession or by intervivos transfer pursuant to Internal Revenue Code, Section 2518 or Section 2-1.11 of the Estates, Powers and Trusts Law of the State of New York or any similar or successor law;

() (S) to enter into buy/sell agreements;

() (T) to make loans, and forgive debts;

() (U) to represent me with the Social Security Administration, Veterans Administration, Social Services, Medicare, Medicaid and all other government benefits or entitlements, including claims, planning for eligibility, submission of applications and appeals;

() (V) to change or maintain my domicile for any and all purposes and to take any and all actions to effectuate said change or maintenance of domicile (including by not limited to a Declaration of Intent to Return Home);

() (W) to serve as the guardian of my person and property, to serve without bond, in the event that I shall be declared unable to manage my affairs pursuant to Article 81 of the Mental Hygiene Law of the State of New York or any statute corresponding thereto;

() (X) to act as my surrogate for all decisions which may be delegated to a surrogate under the provisions of Article 29-B of the Public Health law of the State of New York;

() (Y) to disclose medical records and other personal information;

() (Z) to accept transfers or distributions from any trustee of any trust;

() (AA) to retain, discharge and pay for the services of attorneys, accountants, financial planners, geriatric care managers, social workers and other health care professionals;

() (BB) to commence legal proceedings for actual and punitive damages against any third party who refuses to honor and accept this instrument;

() (CC) I authorize my attorney-in-fact to enter any safety deposit box and to remove the contents and to make additions, substitutions and replacements.

() (DD) I authorize my attorney-in-fact to create, amend and fund trusts on my behalf.

() (EE) This Power of Attorney revokes any and all prior Powers of Attorney executed by me.

(FF) EACH of the matters above identified by the following letters Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD and EE. You need not initial the other lines if you initial line (FF).

In the event that a power granted in this section (g) conflicts with any power granted in section (f) of this Power of Attorney, then the broadest power shall supersede and replace the conflicting power.

Section 5-1511 of the General Obligations Law describes the manner in which you may revoke your Power of Attorney, and the events which terminate the Power of Attorney.

(m) SIGNATURE AND ACKNOWLEDGMENT:

In Witness Whereof I have hereunto signed my name on April 17 2014.

PRINCIPAL signs here:

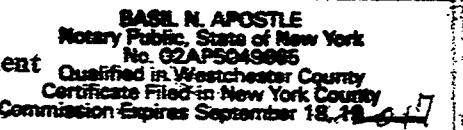
Bennie J. Paster

State of New York

County of Westchester ss.:

On the 17th day of April in the year 2014 before me, the undersigned, personally appeared Bennie J. Paster, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Bennie J. Paster
Signature and Office of individual taking acknowledgment



(n) IMPORTANT INFORMATION FOR THE AGENT:

When you accept the authority granted under this Power of Attorney, a special legal relationship is created between you and the principal. This relationship imposes on you legal responsibilities that continue until you resign or the Power of Attorney is terminated or revoked. You must:

- (1) act according to any instructions from the principal, or, where there are no instructions, in the principal's best interest;
- (2) avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) keep the principal's property separate and distinct from any assets you own or control, unless otherwise permitted by law;
- (4) keep a record of all receipts, payments, and transactions conducted for the principal; and
- (5) disclose your identity as an agent whenever you act for the principal by writing or printing the principal's name and signing your own name as "agent" in either of the following manners: (Principal's Name) by (Your Signature) as Agent, or (Your Signature) as Agent for (Principal's Name).

AFFIDAVIT OF VALIDITY FOR POWER OF ATTORNEY

(Required if Principal is not present and POA is 6 months or more past the issue date when presented to the Bank.)

Before me, the authority identified below, personally appeared Peter J Corines
and says that:

Agent Name

who, being duly sworn by me, deposes

1. Attached is a true, correct, completed and unaltered copy of a Power of Attorney dated 04/17/2014, from Bernice Judd Porter
Principal Name
2. Principal, on the date of this Affidavit, is alive and has not given any notice to Agent of changes or termination of the Power of Attorney. Principal/Grantor was
mentally competent at the time the Power of Attorney was executed.
3. In consideration of Chase's acceptance of Agent's authority and the Bank's action in conducting transactions pursuant to such Power of Attorney, Agent
agrees to indemnify, defend and hold the Bank harmless from and against any and all losses, claims, costs, damages, causes of action (including attorney's
fees) and any other expenses incurred by the Bank arising directly or indirectly out of its acceptance of Agent's authority pursuant to said Power of Attorney.

MM/12
Signature of Agent

1/27/17

Address

12038 E 98 St

City

NY

State

Date

10/20/09

Telephone Number

7790539

Fax Identification No. (FIN)

7790539

Zip Code

Notary

State of New York

County of Westchester

} ss.

Subscribed and sworn to (or affirmed) before me
this 31 day of November 2017
Date Month Year

MM/12
Name of Signer No. 1

X

Carolyn Marie Cannistraro
Name of Signer No. 2 (if any)

Carolyn Marie Cannistraro
Signature of Notary Public

Place Notary Seal/Stamp Above

Any Other Required Information
(Residence, Expiration Date, etc.)

CAROLYN MARIE CANNISTRARO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CA6177080
Qualified in Westchester County
My Commission Expires November 06, 2019

10682-P2 (10/13)

JPMorgan Chase Bank, N.A. Member FDIC



A2. Excerpt Transcript of Grand Jury Testimony of Bernice Porter in which she stated she "forgot" that Peter Corines had a power of attorney for her(page 7), and in which she affirmed her signature (page 9);

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13 MS. ROWE-SMITH: Thank
14 you. The People call their first
15 witness, Bernice Judd Porter.

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25

1 Q Do you recall seeing Peter Corines at the
2 Hebrew Home Rehabilitation Center?

3 A Yes, by that time my mind was more clear
4 and I learned that he had been taking things
5 from my apartment and I became very angry at
6 him and I spoke to a lawyer in the hospital
7 and I decided not to have any further contact,
8 not to talk to Peter Corines any more, but to
9 have contact with us between -- arranged by a
10 lawyer rather than personal. I became angry
11 at him for going to my apartment presumably
12 without my knowledge or permission and taking
13 all my papers and funds, cash funds.

14 Q Did Peter Corines have a power of
15 attorney for you?

16 A Yes, I had forgotten about that and I
17 thought that was only effective if one were
18 not able to handle ones own affairs and I
19 thought at that point that I was able to
20 handle my own affairs.

21 Q Did you during this event or after this
22 event revoke the power of attorney that you
23 had given Peter Corines?

24 A Yes, I did.

25 Q Did you -- excuse me, did Peter Corines

1 chance to use them. He didn't use the checks,
2 but I was very angry that he had taken them
3 without my permission and knowledge.

4 Q I'm going to hand to you what's been
5 previously marked as Grand Jury Exhibit Number
6 1 For Identification. I ask that you look at
7 it?

8 A Yes.

9 Q Do you recognize it?

10 A Yes, I do.

11 Q What is it?

12 A It's my signature.

13 Q What is the document?

14 A The document is -- it's a power of
15 attorney.

16 Q Did you have an opportunity to view this
17 power of attorney prior to coming into the
18 Grand Jury chambers today, before you came
19 here?

20 A Yes.

21

22 MS. ROWE-SMITH: This is
23 subject to connection.

24

25 Q I'm going to hand to you what has been

A 3. Excerpt Transcript of Grand Jury Testimony of Bernice Porter in which she denied that she gave Peter Corines "permission, consent or authority". ("No, I did not."). Pages 17 and 28

1 Q So relating to a cash advance on Grand
2 Jury Exhibit Number 4 and comparing it with
3 Grand Jury Exhibit Number 19, okay, did you
4 give Peter Corines permission, consent or
5 authority to withdraw from your Morgan Stanley
6 account in the amount of five hundred dollars
7 on November 16th, 2017?

8 A No, I did not.

9 Q Relating to a redemption of shares on
10 Grand Jury Exhibit Number 3 and comparing it
11 to Grand Jury Exhibit Number 19, did you give
12 Peter Corines permission, consent or authority
13 to withdraw fifty thousand dollars from your
14 Franklin Templeton account through an online
15 transaction on November 17th?

16 A No, I did not.

17 Q Relating to Grand Jury Exhibit Number 4
18 and comparing it to Grand Jury Exhibit Number
19 19, did you give Peter Corines permission,
20 consent or authority to write a check out from
21 your Morgan Stanley account to Perfect
22 Performance in the amount of twenty-five
23 thousand dollars on November 16th, 2017?

24 A No, I did not.

25 Q Relating to redemptions of shares on

Comment: All transactions were authorized by POA dated April 17, 2014
The statement that authority was not given is false

1 have questions for the witness --
2 hold on a second. —
3

4 Q Ms. Porter, did you give Peter Corines
5 permission, consent or authority to create an
6 online account on your Franklin Templeton
7 account?

8 A No, I did not.

9 Q Did you give Peter Corines permission,
10 consent or authority to change your address to
11 his address?

12 A No, I did not.

13 Q Did you give Peter Corines permission,
14 consent or authority to make any of these
15 phone calls?

16 A No, I did not.

17 Q Did you give Peter Corines permission,
18 consent or authority to take money out of your
19 accounts or to attempt to take money out of
20 your accounts?

21 A No.

22

23 MS. ROWE-SMITH: Yes,
24 ma'am.

25 BY A JUROR: Actually the

Comment: All transactions were authorized by POA; Statements to the contrary are false

A4. Transcript of Plea Proceedings, October 5, 2018 wherein the Court stated:

"the only reason I'm making this offer....I would rather not have a 98-year-old victim....go through the stress, which is stressful for anybody. Even a conditional examination, let alone a jury trial. That's my reasoning."

1 SUPERIOR COURT OF THE STATE OF NEW YORK
2 COUNTY OF WESTCHESTER

2 -----x
3 THE PEOPLE OF THE STATE OF NEW YORK

3

4 -against-

Ind. No.
526/18

5

6 PETER CORINES,

7

Defendant.

8

-----x
Westchester County Courthouse
111 Martin Luther King Boulevard
White Plains, New York 10601

9

10 October 5th, 2018

11

12 Before:

13

HON. BARRY WARHIT,
Justice of the County Court

14

Appearances:

15

For the People of the State of New York:

16

ANTHONY A. SCARPIANO, JR., ESQ.
District Attorney, Westchester County
111 Martin Luther King, Jr. Boulevard
White Plains, New York 10601

17

18 BY: EMILY ROWE-SMITH, ESQ.,
19 Assistant District Attorney

20

For the Defendant:

21

PETER TILEM, ESQ.
188 East Post Road
White Plains, New York 10601

22

23

24

25 Susan Giampiccolo,
Senior Court Reporter

COVER

1 matter, but okay.

2 Would that cover the indictment?

3 MS. ROWE-SMITH: Yes, your Honor.

4 THE COURT: Is there an application on count two,
5 three and nine?

6 MR. TILEM: There is.

7 THE COURT: Before you make it, the only reason I'm
8 making this offer, just so the record is complete, I'm told
9 the victim is 98 years old. I'm told she's available. But
10 I would rather not have a 98-year-old victim; alleged victim
11 at this point, go through the stress, which is stressful for
12 anybody. Even a conditional examination, let alone a jury
13 trial. That's my reasoning.

14 Your application.

15 MR. TILEM: Thank you, your Honor.

16 My client has authorized me to withdraw his
17 previously entered pleas of not guilty and enter pleas of
18 guilty to counts two, three, and nine of indictment number
19 18-0526, in full satisfaction of all of the indictments --
20 of all the charges that were brought in this indictment or
21 could have been brought in this indictment. And he stands
22 ready to answer the Court's questions.

23 THE COURT: Peter Corines, do you swear or affirm
24 that what you're about to say is the truth?

25 THE DEFENDANT: Yes.