11/25/2024

No. 24-614

In The Supreme Court of the United States

ORIGINAL

MICHAEL PRETE,
Petitioner,

v.

STATE OF RHODE ISLAND
Respondent.

On Petition For Writ Of Certiorari to the
Rhode Island Supreme Court

PETITION FOR WRIT OF CERTIORARI
(Volume 1 of 3)

Michael Prete
782 Boston Neck Road
Narragansett, RI 02882

QUESTIONS PRESENTED FOR REVIEW

Is it a violation of the First Amendment for an attorney to be disciplined (let alone stripped of his law license) for Constitutionally Protected speech made in compliance with Professional Conduct, his attorney oath, etc.?

Is it a violation of the First Amendment for an attorney to be disciplined (let alone stripped of his law license) for pointing out examples (supported by prima facie evidence) of corruption, etc. by members of the R.I. Judiciary (including by justices of the R.I. Supreme Court (the entity who sua sponte stripped the attorney of his law license)) (as ADMITTED by all five justices of the R.I. Supreme Court)?

Is it a violation of Due Process and Equal Protection for an attorney to be disciplined (let alone stripped of his law license) for not attending a hearing which the attorney, per the R.I. Supreme Court's own practice and rules specifically indicate, is not required to attend (the attorney may rest on his filing(s))?

Did the R.I. Supreme Court's actions deprive Petitioner of his right (as guaranteed by the disciplinary rules, etc.) to a form of appellate review?

Did the R.I. Supreme Court violate Petitioner's First Amendment rights by retaliating against Petitioner's exercise of Constitutionally Protected Free Speech?

Did the R.I. Supreme Court violate Petitioner's Due Process rights when the R.I. Supreme Court did not act fairly/impartially, intentionally did not comply with the rules of disciplinary procedure (including, but not limited to, initiation, review, notices, opportunity, etc.), summarily stripped Petitioner of his law license while effectively admitting Petitioner committed no violations (rule or otherwise), deprived Petitioner of his right (as guaranteed by the disciplinary rules, etc.) to a form of appellate review, etc.?

Did the R.I. Supreme Court violate Petitioner's Equal Protection rights when the R.I. Supreme Court did not act fairly/impartially, intentionally did not comply with the rules of disciplinary procedure, expressly admitted to retaliating against Petitioner, stripped Petitioner of his law license while effectively admitting Petitioner committed no violations (rule or otherwise), deprived Petitioner of his right (as guaranteed by the disciplinary rules, etc.) to a form of appellate review, etc.?

Did the R.I. Supreme Court violate Petitioner's Fourth Amendment right against seizure of property when the R.I. Supreme Court, without basis, stripped Petitioner of his law license (effectively seized Petitioner's property right)?

Did the R.I. Supreme Court violate Petitioner's Fourth Amendment right against searches when the

R.I. Supreme Court, without basis, ordered Petitioner be investigated, etc.?

Did the R.I. Supreme Court violate Petitioner's rights against Cruel/Unusual Punishment when, among other things, the court leveled the most severe discipline (effective disbarment) without Petitioner having committed any violation, etc.?

PARTIES TO THE PROCEEDING BELOW

Petitioner is Michael Prete.

Respondent is the State of Rhode Island by and through the R.I. Attorney General's Office.

RELATED PROCEEDINGS

The following proceedings are related under this Court's Rule 14.1(b)(iii):

State v. Prete, No. SU-2024-0147-MP (R.I. Supreme Court)

State v. Prete, No. P2-2023-3243A (R.I. Providence County Superior Court)

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Rhode Island Supreme Court's ("RISC") published order reproduced at App.1.

JURISDICTION

RISC's order dated June 27, 2024. On September 16, 2024, Justice Jackson extended time to file to November 25, 2024. See No. 24A260. This Court has jurisdiction under 28 USC §1257(a).

LAWS INVOLVED

U.S. First Amendment provides:

> "Congress shall make no law...abridging the freedom of speech..."

U.S. Fourth Amendment provides:

> "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

U.S. Eighth Amendment provides:

> "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

U.S. Fourteenth Amendment provides:

> "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 life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

R.I.Sup.Ct.Art.III (Disciplinary Procedure for Attorneys), Rules 2, 3(b), 6(b), 6(d), 14(d), as of November 2023, reproduced at App.14.

Excerpts of Preamble to R.I.Sup.Ct.Art.V (Rules of Professional Conduct), as of October 2023, reproduced at App.19.

STATEMENT OF CASE

What do you do if your boss has committed a crime? Many would hesitate reporting such conduct for fear of retaliation (e.g. losing one's job). That's why things like whistleblower protection laws were created.

What if the people you're reporting are government employees? Are you still protected? Among other things, the First Amendment guarantees all

individuals the right to free speech without fear of Government retaliation.

The RI lawyer's oath includes:

> "You solemnly swear that in the exercise of the office of attorney and counselor you will do no falsehood, nor consent to any being done...and that you will support the constitution and laws of this state and the constitution and laws of the United States. So help you God." R.I.Sup.Ct.Art.II, Rule 8.

One would think a RI lawyer (whose license to practice law is issued by RISC (a government entity)) would be protected from retaliation when, in compliance with their oath, etc., the lawyer calls attention to corruption of members of the R.I. Judiciary ("RIJ") (including RISC justices) (all public figures). Not according to RISC. Per RISC's Order (issued by ALL RISC justices), a lawyer isn't allowed to expose corruption of ANYONE from RIJ (not a low-level Magistrate and especially not RISC justices themselves). For example, as if playing a twisted game of "opposite day," RISC's Order brazenly declared:

> "**[Petitioner's] accusations of corrupt and fraudulent conduct by [members of RIJ]...was unprofessional and CONTRARY TO THE PETITIONER'S**

RESPONSIBILITIES AS AN OFFICER OF THE COURT.

...

> [Petitioner] is hereby suspended from engaging in the practice of law in this state, effective immediately and until further order of this Court." (Emphasis Added). App.2-4.

Setting aside that Petitioner's "accusations" are, as RISC knew and briefly discussed below, supported by EVIDENCE (and **RIJ was knowingly in possession of MORE evidence but withheld such from Petitioner**), according to RIJ, the moment someone becomes a lawyer, they have apparently unwittingly agreed to become part of a cabal of criminals who swear an oath to not snitch on each other. In other words, as Brad Pitt said in the movie "Fight Club:"

> "The first rule of Fight Club is: You do not talk about Fight Club."

Aren't there notorious criminal enterprises who do the same? E.G.: The Mafia (where individuals go through a swearing in process of sorts (e.g. to not snitch on one another, keep their criminal enterprise secret, etc.) (See e.g. discussions from former mob member Michael Franzese)).

According to RIJ, if a lawyer does expose Judiciary corruption, not only will that lawyer be publicly defamed, etc., that lawyer will be immediately (and without notice, opportunity, etc.) disbarred from EVER practicing law in RI again (violating Free Speech, Due Process, Equal Protection, etc. rights). That's not all. Despite RIJ ITSELF having evidence of such corruption in its possession, among other things, RIJ will actively withhold such evidence from that whistleblower lawyer to ensure he cannot defend himself, etc. ETC.

Note, there have been documented instances of "justice" being perverted to go after law abiding, etc. individuals seeking to do justice. For example, dishonest police officers are supposed to be tracked on a Brady List so defendants, juries, etc. know if they can trust an officer's word. Instead, for example, according to news, a police officer blowing the whistle on his Department's corruption was put on the Brady List by that same corrupt Department (A.K.A. retaliation).

The psychology term "projection" is where they accuse you of what they themselves are doing.

Example, RIJ (specifically the Commission on Judicial Tenure and Discipline ("Commission")) farcically "investigated" Magistrate John McBurney (who Petitioner submitted a complaint against (for documented prima facie corruption, etc.)) but closed the investigation within 15 business days of receipt

of Petitioner's formal complaint and found no wrongdoing whatsoever (despite glaring evidence to the contrary (including, but not limited to, McBurney retaliating against Petitioner DURING COMMISSION'S "INVESTIGATION" (not only did McBurney refuse to recuse himself from reviewing Petitioner's motions (while Commission's "investigation" (which McBurney acknowledged (on the record) he was aware of) was ongoing), McBurney denied ALL of Petitioner's motions (including, but not limited to, motion for exculpatory evidence (McBurney's signed decision actually claimed "case law" (without declaring what supposed "case law") states a Defendant in a criminal proceeding is NOT entitled to exculpatory evidence))))). Oppositely, for Petitioner (who, as RISC's own Order makes clear, only called out corruption, etc. of others) has, per RISC's Order, been under an open-ended, limitless, etc. "investigation" since June 27, 2024 WITH NO END IN SIGHT.

Note, the Chairman and Board of Commission have been and continue to be provided with evidence of Judicial corruption, etc. yet continue to do nothing. In fact, even after Petitioner provided Commission with new and additional evidence of corruption, etc. and requested Commission reopen the investigation, to date, Commission has refused.

R.I. is openly referred to as a "relationship rich," "I know a guy," etc. State.

RISC openly stated it was retaliating against Petitioner based on Petitioner exercising his First Amendment free speech. RISC flaunted its actions EVEN AFTER Petitioner advised RISC he would be appealing to SCOTUS. Why would RISC be so brazen, etc.? Among other things, not only is RISC RI's highest court (court of last resort), RISC knows the only next step would be to appeal to this Court and such appeal is, per existing processes, discretionary (not a matter of right).

For an extremely brief background of RISC's outrageous actions, etc., see Petitioner's forthcoming SCOTUS Petition for Writ of Habeas Corpus (including all of its exhibits). See App.53 (without its voluminous exhibits).

REASONS FOR GRANTING PETITION

For reasons, some briefly discussed herein, Justice, integrity of the Judicial System, etc. requires RISC's prima facie unconstitutional, etc. decision be: (1) Reviewed by this Court; and (2) Resoundingly Reversed.

1. REVIEW BY THIS COURT

Under most circumstances, appellate review by this Court is discretionary (not right) (Sup. Ct. R. 10) since litigants will have gone through AT LEAST TWO judicial levels (e.g. a lower court and an appellate court) with the final court being a Federal

Appeals Court or State Court of last resort. What if, however, a case began and ended (within a matter of a few days) in a State's highest court (without ever having traveled to any other court level, system, etc.)?

Further, what if that State's highest court intentionally unconstitutionally by-passed documented Judicial procedures to deprive a litigant of, among other things, Due Process, etc.?

Moreover, what if the topics being appealed to this Court include that State's highest court's open retaliation against a litigant in violation of their Constitutional rights (e.g. Free Speech, Due Process, Equal Protection, etc.)?

Without this Court's intervention, Petitioner will have been retaliated against (in violation of Constitutional guarantees) **and denied** (in violation of RIJ's disciplinary rules, etc. (actions themselves violating Petitioner's Due Process, Equal Protection, etc. rights)) **ANY form of mandatory appellate review.** As Justices Brennan and Marshall have alluded to, individuals are to be entitled to at least one form of appellate review (see *Jones v. Barnes*, 463 U.S. 745, 756 n.1 (1983) (Brennan, J., dissenting)).

RIJ's disciplinary rules state attorney discipline is to commence with an investigation initiated and conducted by Bar Counsel and EVENTUALLY (AT

LEAST 95 DAYS LATER) the matter is brought to RISC. See R.I.Sup.Ct.Art.III, Rule 6(b). Here, **OPPOSITELY, RISC SUA SPONTE *IMMEDIATELY* ISSUED FINAL DISPOSITION (INDEFINITELY SUSPENDING PETITIONER (itself a violation of RIJ's disciplinary rules (suspensions are limited to a maximum of five (5) years))) AND *THEN* REFERRED THE MATTER TO BAR COUNSEL FOR INVESTIGATION (ALL DOCUMENTED IN RISC'S ORDER)**.

RIJ's disciplinary rules, etc. guaranteed appellate review. See R.I.Sup.Ct.Art.III, Rule 6(d). RISC (RI's highest court) acted as the lower court level. RISC ensured Petitioner had no guaranteed appellate review. Respectfully, this Court must act as Petitioner's deprived appellate review.

2. RESOUNDING REVERSAL

In addition to things like the above brief discussion of RISC's intentional deprivation of Petitioner's right to appellate review, reasons for resounding reversal include: (a) RISC Openly Violating Petitioner's Due Process Guarantees; (b) RISC Openly Retaliating Against Petitioner's First Amendment Free Speech; (c) RISC's Decision is Filled with Intentional Falsifications, Etc. and Devoid of Violations by Petitioner; (d) Exculpatory Evidence Withheld by Judiciary from Whistleblower Lawyer; (e) RISC

Openly Violating Petitioner's Equal Protection rights; ETC.

a. RISC Openly Violating Petitioner's Due Process Guarantees

Regardless of whatever RISC's claims/reasoning for action, as RISC is aware, Petitioner is entitled to Due Process. Instead, as the record demonstrates, RISC effectively deprived Petitioner of: (i) notice, opportunity, etc.; (ii) information regarding allegations; (iii) etc.

i. Notice, Opportunity, Etc.

To provide perspective, when this Court addresses attorney discipline for lawyers licensed by SCOTUS, this Court provides individuals with 40 days to show cause why discipline should not be imposed. Sup. Ct. R. 8(1).

In RI, per Disciplinary rules, attorney discipline commences with an investigation initiated and conducted by Bar Counsel and EVENTUALLY (AT LEAST 95 DAYS LATER) the matter is brought to RISC. See R.I.Sup.Ct.Art.III, Rule 6(b).

However, when it comes to exposing corruption of RIJ, RI's rules apparently

become null and void because RISC provided Petitioner with only SIX (6) DAYS (only three (3) of which were business days). App.7. Stated differently, a process which normally takes AT LEAST 95 DAYS (a process which has MULTIPLE steps, requirements, etc. (see R.I.Sup.Ct.Art.III, Rule 6(b))) (and basically where an attorney's entire career, reputation, etc. is at stake) was reduced to merely SIX (6) DAYS and essentially conducted in one swift action (in the process violating other notification requirements (see below for more)).

Moreover, as discussed below, RISC didn't provide Petitioner with information of the allegations against him.

ii. Information Regarding Allegations

Petitioner cannot prepare a response/defense if RISC withholds information of the specific allegations against him.

Analogous to requirements imposed upon pleadings (e.g. case initiating documents must be sufficiently pleaded for the opposing party to respond (see *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662 (2009))), Petitioner was entitled to and RISC was required (per Disciplinary rules, etc.) to provide Petitioner, in advance of the

hearing, with information of the "...specific[]..." allegations against him. See R.I.Sup.Ct.Art.III, Rule 6(b).

RISC's intentional refusal to provide specific allegations are analogous to insufficiently pleaded filings which, in normal litigation, would give rise to Motions to Dismiss.

Side note, in case RISC claims they were GOING to inform Petitioner of the allegations AT the hearing, that's not how Due Process works. RISC was required, per Disciplinary rules, etc., to inform Petitioner of all specific allegations in advance of hearing.

Not only did RISC intentionally provide Petitioner with only three business days notice of the hearing, RISC had an opportunity (via its show cause order) to provide Petitioner with notice of the "...specific[]..." allegation(s) (which is required per disciplinary rules (R.I.Sup.Ct.Art.III, Rule 6(b))) but RISC demonstratively intentionally chose not to. RISC's show cause order dated June 13, 2024 stated only:

> "...show cause why [Petitioner] should not be suspended from the practice of law **based on the tenor and content**

> **<u>of his filings in this matter</u>**."
> (Emphasis Added). App.7.

The above emphasized portion is so vague, etc. that RISC may as well have left it out because, contrary to disciplinary rule requirements, it doesn't provide ANY specifics whatsoever. Setting aside RISC's intentionally vague language (e.g. synonyms for "tenor" include wide ranging things like "mood," "tone," "gist," "meaning," etc.) (which is itself intentional deprivation of Due Process (e.g. Petitioner cannot defend himself against vague allegations)), "...content of [Petitioner's] filings..." could mean literally ANYTHING (thus making it impossible to defend against). For example, when RISC states "...content of [Petitioner's] filings...," was RISC falsely accusing Petitioner of:

> -submitting knowingly frivolous argument(s)? Unclear.
>
> -lying to the court? Unclear.
>
> -threatening Judge(s)? Unclear.
>
> -not groveling to RISC? Unclear.
>
> -ETC.

Petitioner cannot defend himself against vague allegations.

Briefly discussed more below, RISC had no choice but to deal in vague/subjective language, allegations, etc. To provide specifics in advance would not only reveal the corruption Petitioner was exposing but would nullify their attempts to take down Petitioner. Revealingly, in the end, the ONLY "rule" in RISC's disbarment decision that RISC CLAIMS Petitioner violated was the following from "The Preamble to the Rules of Professional Conduct" ("PRPC") (**which itself is NOT a rule**):

> "[a] lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials."

First, note, the VERY NEXT SENTENCE in PRPC (which RISC didn't include) states:

> "[It's] a lawyer's duty, when necessary, to challenge the rectitude of official action..." App.19.

"Rectitude" means:

> morally correct behavior or thinking; righteousness.

Thus, put differently:

> It's a lawyer's **DUTY**, when necessary, to challenge the ethical behavior of official action.

Recall, RISC's Order admitted:

> "[Petitioner's] accusations [were regarding] corrupt and fraudulent conduct by [members of RIJ]..."

In other words, in compliance with Petitioner's DUTY as a lawyer, Petitioner exposed ("challenge[d]") the corruption ("rectitude"/ethical behavior) of members of RIJ ("official action[s]"). Yet, RISC claims Petitioner's actions were:

> "**...unprofessional and CONTRARY TO THE PETITIONER'S RESPONSIBILITIES AS AN OFFICER OF THE COURT.**" (Emphasis Added).

RISC's statement is in direct contradiction to PRPC.

Further, as PRPC predicted and as RISC's actions against Petitioner demonstrate:

> "...the purpose of the Rules can be subverted when they are invoked...as [] weapons."

Nevertheless, solely to debunk RISC's argument, even if the false allegations that Petitioner didn't show "respect" are assumed as true, NO VIOLATION (LET ALONE SUSPENDABLE, DISBARABLE, ETC. VIOLATION) OCCURRED. Before addressing that PRPC isn't itself a "rule," notice the key word in PRPC: SHOULD. "Should" isn't mandatory language ("shall," "must," etc. is mandatory language). Per PRPC, Petitioner could've had the utmost *DIS*RESPECT for the legal system and, under the Constitution, etc., Petitioner is entitled to retain his law license unblemished.

As for RISC's use of PRPC, as RISC was fully aware, PRPC isn't a "rule." In fact, the Rules of Professional Conduct state:

> "The Preamble and this note on Scope provide general orientation. The Comments are intended as guides to interpretation, but **the text of each Rule is authoritative.**" (Emphasis Added). App.20.

As the Rules declare, PRPC is NOT a RULE.

To provide context, PRPC is to the Rules of Professional Conduct what the Preamble to the U.S. Constitution ("PUSC") is to the U.S. Constitution. Per U.S. Courts website (https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/us):

> "[PUSC] sets the stage for the Constitution (Archives.gov). It clearly communicates the intentions of the framers and the purpose of the document. **THE PREMABLE** is an introduction to the highest law of the land; it **IS NOT THE LAW. It does not define government powers or individual rights**." (Emphasis Added).

Further, this Court has held PUSC is NOT law, a source of any substantive powers conferred onto the Government, etc. *Jacobson v. Massachusetts*, 197 U.S. 11, 22 (1905). Same applies to PRPC.

Even R.I.Sup.Ct.Art.III, Rule 2 makes clear "Grounds for discipline" shall be for "...violat[ing] the Rules of Professional Conduct..." (not PRPC).

Given that the ONLY "rule" RISC quoted that Petitioner allegedly violated is NOT mandatory NOR EVEN A RULE, RISC

AGAIN demonstrated the unconstitutional, etc. retaliation against Petitioner. Further, Petitioner WAS in FULL compliance with PRPC.

RISC'S EFFECTIVE DISBARMENT DECISION IS COMPLETELY DEVOID OF ANY "RULE" VIOLATION OR *ANY* VIOLATION, ETC. WHATSOEVER.

Despite RISC's knowingly false claims, as Petitioner's filings have demonstrated, Petitioner has the UTMOST respect for the law. Respect for the law, pursuit of justice, etc. were the reasons Petitioner chose to become a lawyer (as demonstrated by Petitioner's exposure of corruption, etc.).

b. RISC Openly Retaliating Against Petitioner's First Amendment Free Speech

At his SCOTUS confirmation hearing, Justice Thomas said things like:

> "Do I have like 'Stupid' written on my back of my shirt? I mean come on. We know what this is all about."
>
> "He has to be destroyed. Just say it. Then now we're at least honest with each other. The idea was to get rid of me

> and then, after I was there, it was to undermine me."

As Justice Thomas was alluding to, for example, employers who refuse to hire someone because of their ethnicity, gender, race, etc. usually try to conceal the real reason by claiming other things. Here, RISC's decision (openly retaliating against Petitioner based on his First Amendment Free Speech) specifically states:

> "The petitioner's memorandum and addendums thereto made numerous [] allegations of corruption directed at this Court and again at the Superior Court magistrate.
>
> ...
>
> **FOR THE SAKE OF CLARITY**, we deem it necessary to note that **THIS SUSPENSION IS BASED SOLELY ON THE CONTENT OF THE PETITIONER'S FILINGS** before this Court..." (Emphasis Added).

SLAM DUNK!

RISC's decision is the equivalent of a criminal's voluntary signed confession statement. Why? Not caring about their

decision being appealed to this Court, etc., RISC wanted to send Petitioner a message:

> You dare expose our corruption, we will end you. You better stop or else.

Don't take Petitioner's word for it. RIJ followed through on their threat.

When reviewing RIJ's subsequent actions, keep in mind Petitioner:

> -is an attorney (having passed two (2) different Bar exams (on his first try and which were taken simultaneously) in two (2) different States (after the Tuesday and Wednesday two-day Bar exam, on Thursday, Petitioner then had to drive himself from Narragansett, RI to Boston, Massachusetts and took that bar exam upon arrival), etc.)
>
> -has FOUR (4) degrees (including a masters degree, a doctorial degree, a masters doctorial degree (LLM (MASTERS IN LAW)) (graduating with a perfect 4.0 out of 4.0 GPA), etc.)
>
> -has received (not including things like being consistently on the Dean's List, Honor Roll, etc.) at least a dozen scholastic achievements (the majority of

> which are inductions into honor scholastic achievement organizations), etc., etc., etc.)
>
> -ETC.

When Petitioner was not intimidated, etc. by RISC's disbarment and CONTINUED to expose corruption, RIJ FURTHER retaliated against Petitioner by ordering, in violation of the Constitution, RI law, legal presumptions, etc., Petitioner to be psychologically examined in an effort to lock Petitioner up in a psych-ward for 13.33 years. RIJ's actions are documented (via court filing, court audio recording, stenographer transcription). For some more information about those unconstitutional, etc. actions, see Petitioner's forthcoming SCOTUS Petition for Writ of Habeas Corpus. App.53. RIJ even made the motives clear:

> Judge Linda Rekas Sloan specifically stated on the record that ordering Petitioner to submit (against his will) to psychological evaluation (utilizing an inapplicable law) was in DIRECT RESPONSE to the contents of Petitioner's filings (A.K.A. Freedom of Speech) in which Petitioner specifically identified (with documented proof)

federal felony crimes that have been committed by the State, etc.

Why would RIJ be willing to telegraph to the world their blatant retaliation against an individual who dared to expose Judicial corruption, etc.? Among other things, they need to end Petitioner now. If Petitioner is ended, they can then worry about scrubbing the records, etc. of Petitioner's evidence. Don't take Petitioner's word for it. Such actions have already taken place. Example:

> Petitioner timely e-mailed Kathleen Kelly (RIJ's General Counsel) requesting and providing her with **LEGAL NOTICE** that she preserve surveillance videos for certain days (among other things, those tapes would've revealed the criminal conspiracy to deprive Petitioner of his Constitutional rights). Instead of preserving the evidence, Kelly e-mailed WEEKS later and basically stated she intentionally ignored Petitioner's e-mail, allowed the courthouse's normal preservation period of such materials to lapse, and destroyed the evidence. Notice, Kelly is **GENERAL COUNSEL of RIJ**. One would think Kelly would be one of the most ethical people. Instead, Kelly intentionally destroyed evidence

> to conceal criminal conduct, etc. by members of RIJ (actions, etc. which are themselves criminal).

RISC openly retaliated against Petitioner based on his First Amendment Freedom of Speech.

c. RISC's Decision is Filled with Intentional Falsifications, Etc. and Devoid of Violations by Petitioner

Among other things, because RISC's decision is devoid of any violations by Petitioner, in addition to defaming, etc. Petitioner, to attempt to justify unconstitutionally disbaring Petitioner, RISC's decision resorted to things like (i) knowing lies, (ii) intentional alterations, (iii) circular reasoning, etc.

i. Knowing Lies

Below are some examples briefly discussed.

RISC claimed:

> "[Petitioner] inappropriately demanded the identity of the Duty Justice..."

Note, unlike how RISC tries to portray the situation, there was no name or signature of the supposed Duty Justice who issued the

initial decision. Petitioner requested the decision signed and to know which of the five RISC Justices ruled on his motion (as is Petitioner's right to know).

Nevertheless, notice the illogicalness of RISC. RISC effectively claims Petitioner has no right to know the identity of the Duty Justice, yet, the identity of the Duty Justice would be revealed during a R.I.Sup.Ct.Art.I, Rule 34 conference (rule titled "Conferences with duty justice") allowed by RISC's rules. As RISC's aware, at a Rule 34 conference, Petitioner would be able to see, etc. who the duty justice is.

There's more.

R.I.Sup.Ct.Art.I, Rule 34(c) also specifically states:

> "...**the Administrative Assistant to the Chief Justice SHALL promptly...advise the movant** of the time the conference on such motion has been scheduled and **of the [duty] justice who will consider the motion**." (Emphasis Added).

Again, if the identity of the Duty Justice is so super top-secret, why do **RISC's RULES call for the IDENTIFICATION OF THE DUTY**

JUSTICE TO BE REVEALED TO SOMEONE LIKE PETITIONER?

RISC knowingly LIED that it's "...inappropriate[]..." for Petitioner to know which Justice ruled on his motion.

RISC's order also falsely claimed things like:

> -"...the petitioner made **unsupported accusations** of corrupt and fraudulent conduct **by the magistrate**..." (Emphasis Added).
>
> -"The petitioner's memorandum and addendums thereto made **numerous unsupported allegations** of corruption directed at this Court and again **at the Superior Court magistrate**." (Emphasis Added).
>
> -"**The content of the petitioner's filings with respect to** this Court, **the Superior Court magistrate**, and counsel for the state **was unprofessional and contrary to the petitioner's responsibilities as an officer of the Court**." (Emphasis Added).

First, nowhere in RISC's above statements (or at any point) does RISC provide EXAMPLES

of Petitioner's alleged "...unsupported allegations..." OR EVIDENCE showing the "...allegations..." are unsupported or contradicted. **Without such, RISC's statements are THEMSELVES "...unsupported allegations..." (in other words, among other things, projection).**

Unlike what RISC falsely claimed, the following are a few extremely brief examples of the supposed "...unsupported allegations...":

> -Petitioner caught the still unidentified RISC "Duty Judge" ESSENTIALLY LYING, FALSIFYING INFORMATION, ETC. IN ORDER TO CORRUPTLY, ETC. SHUT DOWN PETITIONER'S EMERGENCY REQUEST FOR STAY
>
> -Despite admitting to having direct knowledge demonstrating otherwise, Magistrate McBurney had the court record falsified to make it appear as though Petitioner "passed" (ABANDONED, etc.) on his own motions, etc.
>
> -Despite McBurney admitting knowing he was under investigation because of a complaint Petitioner submitted against him (for prima facie corruption), when Petitioner's motions came before

McBurney for decision, not only did McBurney refuse to recuse himself, McBurney retaliated against Petitioner and denied ALL of Petitioner's motions (including, but not limited to, Petitioner's motion for exculpatory evidence (**McBurney's signed decision claimed "case law"** (without declaring what supposed "case law") **states a Defendant in a criminal proceeding is NOT entitled to exculpatory evidence**))

-On November 27, 2023, McBurney stated (on the record):

> "[Petitioner's] emergency motion to strike his mother's bank account information, that is the account that he was attempting to deposit the money into[, is denied]"

However, as Petitioner has stated:

> "As McBurney was fully aware, **NOWHERE** in the Defendant's 'Emergency Motion to Strike (P2-2023-3243A)' (Dated October 24, 2023) **does the Defendant discuss, reference, or in any way mention the Defendant's**

bank account, the Defendant's mom's bank account, or ANY bank account. Further, the words 'bank' or 'bank account' don't even appear anywhere in the filing.

In reality, the Defendant's 'Emergency Motion to Strike (P2-2023-3243A)' (Dated October 24, 2023) actually requested the following be stricken regarding the Defendant's mom:

> '[A]ny and all listings of Giuseppina Gagliano's date of birth. Setting aside the irrelevance of needing to broadcast the Defendant's date of birth (which is itself a violation of confidentiality), there is absolutely no need to broadcast Giuseppina Gagliano's date of birth (let alone FULL date of birth). Giuseppina Gagliano (the Defendant's mom) is not involved in this matter (she is not a participant, witness, etc.). In fact, the

> prosecution took the time to redact the dates of birth for its two (2) Santander employee witnesses yet INTENTIONALLY left exposed Giuseppina Gagliano's full date of birth.
>
> Similar to the AG's intentional and unnecessary insertion into the [public] record of the Defendant's alleged fingerprints, the AG's non-redaction of Giuseppina Gagliano's date of birth was intentional.' (No Emphasis Added).

McBurney **OUTRIGHT LIED**, created a completely made-up statement, etc. Imagine what was going to happen at the RI Supreme Court where there are no recordings, it's in an isolated area, etc.

Further, similar to the previous example, McBurney knowingly fraudulently, etc. transformed a logical, justified, law statement

from a lawyer (e.g. an argument regarding the breach of confidentiality regarding the unnecessary, etc. need to broadcast a private, non-involved, etc. individual's information) into what McBurney wants to portray as a seemingly conniving, etc. statement of guilt from a pro se criminal Defendant (McBurney implies the Defendant wanted to cover-up the bank account number the bills were being deposited into (**A TOPIC THE DEFENDANT NEVER BROUGHT UP**)).

Sound familiar?

Recall, as the Defendant has stated, SPD's arrest report was written in such a way as to portray vast criminality by the Defendant when in reality they not only KNEW no crimes of ANY kind had been committed but they ADMITTED the bills were GENUINE.

At the same time McBurney is desperately trying to falsify the record, McBurney refuses

to address the forged (counterfeited) Secret Service letter [by the State]. As McBurney was aware, **ONE OF THE THINGS LISTED in the Defendant's Motion to Strike** was the forged (counterfeited) Secret Service letter. **WHY DOES MCBURNEY PRETEND AS IF THE SECRET SERVICE LETTER DOESN'T EXIST?** McBurney had other situations to address the forged (counterfeited) Secret Service letter (see below for an example). **Each time, McBurney strategically pretended as if the Secret Service letter didn't exist (A.K.A. COVER-UP, ETC.).**

...

...**WHY DID MCBURNEY COMPLETELY ABANDON THE SECRET SERVICE LETTER? Answer: Among other things, MCBURNEY KNEW THE LETTER WAS A FORGERY (A COUNTERFEIT).**

As McBurney was aware, OVER A MONTH EARLIER, the Defendant had begun providing evidence that the alleged Secret Service letter was a forgery (a counterfeit).

Among other things, in a desperate effort to keep this fraudulent, etc. case going, to protect the State from being exposed for the crimes THEY committed in order to bring this fraudulent, etc. case, to try to fraudulently, etc. give himself plausible deniability regarding the State's crimes, etc., MCBURNEY PRETENDED AS IF THE SECRET SERVICE LETTER DIDN'T EXIST...THE TRANSCRIPT SHOWS MCBURNEY PREMEDITATIVELY DOES NOT MENTION, ADDRESS OR EVEN ACKNOWLEDGE THE EXISTENCE OF THE ALLEGED LETTER DATED AUGUST 3, 2023 FROM THE UNITED STATES SECRET SERVICE (which is 'Exhibit #11' to the Prosecution's

> Information Charging Package)."
> (No Emphasis Added).
>
> See App.299 for some more information/examples of corruption.
>
> -ETC.

ii. Intentional Alterations

RISC's decision stated things like:

> "In one instance, the petitioner stated that this Court was 'going to do whatever it wants regardless of the law, facts, etc.' and that 'this Addendum is being filed to document this Court's further corrupt etc. actions * * *.'"

Petitioner's filing actually stated:

> "Since clearly this Court is going to do whatever it wants regardless of the law, facts, etc. (**as this Court has already demonstrated**), this Addendum is being filed to document this Court's further corrupt, etc. actions, etc." (Emphasis Added).

Note, **Petitioner made the above statement AFTER Petitioner caught the still unidentified RISC "Duty Judge"**

ESSENTIALLY LYING, FALSIFYING INFORMATION, ETC. IN ORDER TO CORRUPTLY, ETC. SHUT DOWN PETITIONER'S EMERGENCY REQUEST FOR STAY (and thus RISC is aiding and abetting, etc. the Superior Court, etc. with the ongoing attempted set ups, etc.).

Notice, Petitioner's above statement is one full sentence. Instead, among other things, RISC, **in an effort to remove a key damning portion of the above quote** ("...as this Court has already demonstrated..." (thus showing things like Petitioner has a basis for and evidence supporting his statement)), **intentionally broke up the quote into two separate segments and left out those damning words (against them)**. Further, RISC added "* * *" at the end to try to make it look like there was more stated whereas all that was left was ", etc." Compare Petitioner's quote with RISC's manipulated quote.

Side note, on June 6, 2024, Rekas Sloan KNOWINGLY FALSELY, etc. accused (IN OPEN COURT (with dozens present)) Petitioner of misquoting and/or selectively taking particular quotes from court rules/protocols whereas not only was Prosecution caught committing such fraudulent acts but here is RISC PURPOSELY altering Petitioner's quote. As noted above,

there is a psychology term called "projection" where they accuse you of what they do.

iii. Circular Reasoning

Knowing that RISC's reasoning for their unconstitutional decision to effectively disbar Petitioner is impotent (to say the least), RISC's unconstitutional decision even turned to desperate tactics like circular reasoning. RISC stated:

> "We equally cannot overlook the petitioner's failure to comply with this Court's order directing him to appear [to show cause why he should not be suspended].
>
> ...
>
> For the sake of clarity, we deem it necessary to note that this suspension is based... [on Petitioner's] failure to appear..."

Before Petitioner shows how even the circular reasoning is a LIE, as noted above, not only was Petitioner provided only three business days notice of the hearing but, as demonstrated above, there clearly was no need for disciplinary actions since, as RISC's decision demonstrates, Petitioner did

NOTHING wrong (no violations, etc.). RISC circularly reasoned that their decision to discipline Petitioner is justified because of Petitioner's non-appearance at a frivolous, etc. hearing on why Petitioner shouldn't be disciplined. Since RISC had no grounds to contemplate Petitioner being disciplined, there were no grounds to schedule a hearing, thus Petitioner's non-appearance cannot later be used to justify discipline which was never justified to begin with.

In fact, per RISC's own order (issued BEFORE the hearing), RISC had ALREADY decided to suspend Petitioner ("...show cause why [Petitioner] should **NOT** be suspended..." (Emphasis Added)), thus occurrences at or after the hearing had no bearing on RISC's ALREADY decided course of action.

As for RISC's knowing LIE that RISC ordered Petitioner to appear, as RISC is aware, RISC's "order" was a "show cause" order (e.g. show cause why Petitioner should not be suspended). The purpose of RISC's order was to inform Petitioner that unless he convinces RISC otherwise, he will be suspended. The hearing was effectively an oral argument hearing which, like other litigants, is OPTIONAL.

As a matter of practice, as reflected in RISC's own rules, Petitioner's physical presence was unnecessary and NOT required.
R.I.Sup.Ct.Art.I, Rule 22(f) states:

> "**In the event that** an attorney for the parties, or **the party if self-represented, FAILS TO APPEAR** at the time the case is in order for hearing, **the Supreme Court MAY HEAR THE CAUSE OR DECIDE IT SOLELY UPON THE BRIEFS**." (Emphasis Added).

Further, as RISC acknowledged, Petitioner submitted a brief (as best he could (given the extremely limited time, information, etc.)) in advance of the hearing. App.107. Petitioner even stated, and RISC acknowledged, Petitioner rested upon his filing.

As briefly demonstrated above, in addition to defaming, etc. Petitioner, to attempt to justify its unconstitutional disbarment of Petitioner, RISC's decision (devoid of any violations by Petitioner) had to resort to things like knowing lies, intentional alterations, circular reasoning, etc.

d. Exculpatory Evidence Withheld by Judiciary from Whistleblower Lawyer

As RISC's disbarment decision explicitly states, RISC chose to disbar Petitioner for Petitioner's accusations of corruption by, among others, Superior Court Magistrate John McBurney.

Setting aside, for the moment, RISC's lies, etc., RISC's intentional deprivation of Due Process, etc., etc., Petitioner had ALREADY provided prima facie examples of McBurney's corruption. Even if RISC falsely claimed they could not find the glaring examples of corruption, etc., there were BOTH audio and written transcripts of court hearings (October 25, 2023 and November 27, 2023) which, unbeknownst to Petitioner, further demonstrated McBurney's corruption, etc. However, RIJ withheld all such transcripts from Petitioner despite Petitioner's request for copies.

As RIJ was aware, the transcripts provided FURTHER evidence of McBurney's (and RIJ's) corruption. Had Petitioner had the transcripts before the hearing, Petitioner would've been able to attach copies of them with his filing; thus making it harder for RISC to proceed with their lies, etc.

As RISC is aware, R.I.Sup.Ct.Art.III, Rule 6(b) empowers Petitioner to present evidence in his defense of Disciplinary allegations:

> "The notice of hearing shall advise the respondent-attorney that he or she is entitled to be represented by counsel to summon and cross-examine witnesses and to present evidence in his or her own behalf"

Not only didn't RISC comply with disciplinary rules (RISC didn't advise (nor effectively allow) Petitioner that he's entitled to summon and cross-examine witnesses, to present evidence in his own behalf, etc.), didn't RISC effectively provide Petitioner notice of the hearing (three business days isn't notice), etc., RIJ was actively concealing exculpatory evidence (e.g. evidence which showed Petitioner's statements were accurate, etc.) to prevent Petitioner (basically a whistleblower) from defending himself.

e. RISC Openly Violating Petitioner's Equal Protection rights

Setting aside the Equal Protection violations resulting from each of RISC's above referenced actions, etc., RISC further violated Petitioner's Equal Protection rights when, for example: (i) RISC intentionally violated other disciplinary rules; (ii) RISC discriminatorily applied "rules;" (iii) ETC.

i. RISC intentionally violated other disciplinary rules

As referenced above, RI Disciplinary Rules REQUIRED Petitioner be advised that he:

> "...is entitled to be represented by counsel to summon and cross-examine witnesses and to present evidence in his or her own behalf"

Not only didn't RISC comply with disciplinary rules (e.g. by not advising Petitioner) but given the three business days short notice of the hearing, RISC intentionally made sure Petitioner could not obtain evidence, witnesses, etc.

Further, disciplinary rules make clear that suspensions are limited to a maximum of five (5) years. See R.I.Sup.Ct.Art.III, Rule 3(b). Instead, RISC's decision states:

> "**[Petitioner] is hereby suspended** from engaging in the practice of law in this state, effective immediately and **UNTIL FURTHER ORDER OF THIS COURT**." (Emphasis Added).

RISC could've very easily stated:

Petitioner is hereby suspended
FOR...[Insert Period]:

-**ONE MONTH**

-**SIX MONTHS**

-**ONE YEAR**

-**TWO YEARS**

-**THREE YEARS**

-**FOUR YEARS**

-**FIVE YEARS**

RISC intentionally left out a definitive end date so that Petitioner would be suspended indefinitely (which is effectively full disbarment). RISC went to the most drastic form of discipline (disbarment) but connivingly labeled it only "suspension." Why?

Not only are people more inclined to review, scrutinize, etc. disbarments than suspensions but suspensions (especially ones in which no definitive suspension timeframe is provided) are very subjective and most people would defer to RISC's judgement. If someone reviews Petitioner's file and sees Petitioner was "disbarred" for merely calling out corruption of

members of RIJ, people would be able to easily identify the retaliatory, etc. nature of RISC's actions. However, by labeling it "suspension," such fraudulent labeling attempts to mask the true drastic nature of the discipline.

Putting the outrageousness of RISC's drastic action, etc. in further perspective, the following are, per R.I.Sup.Ct.Art.III, Rule 3(b), the types of discipline RISC could've imposed:

-Disbarment

-Suspension

-Public Censure

-An order for restitution, community service, pro bono legal service, or substance-abuse treatment or other counseling

Setting aside the last option (which doesn't apply here) and setting aside that NO discipline of ANY KIND should've been imposed, why didn't RISC choose "Public Censure" (the least drastic, etc. option). Instead, RISC went to the most drastic form of discipline (disbarment) but connivingly labeled it only "suspension."

Providing a further GLIMPSE into the already obvious outrageousness of RISC's actions of indefinite suspension, review (notice the type of conduct exhibited and length of suspension):

> -**Example**: Keven McKenna was suspended for one year after RI finding McKenna had, among other things, deliberately tried to disrupt and delay a Workers' Compensation Court proceeding, failed to disclose income to a U.S. Bankruptcy Court, ignored a subpoena and operated his law practice under an unauthorized limited liability corporation.
>
> -ETC.

Petitioner has been suspended INDEFINITELY (effectively disbarred) by RISC in ADMITTED retaliation for Petitioner's First Amendment protected Free Speech (exposing corruption, etc.), etc.

Not only is RISC's indefinite suspension a violation of disciplinary rules, RISC's indefinite suspension completely contradicts RISC's own precedent.

Though different circumstances, RISC's precedent has made clear that, in addition to an individual's right to notice, opportunity,

etc., any contemplated sanction is not only supposed to be "reasonabl[y] limit[ed]" (*State v. D'Amario*, 725 A.2d 276, 280 (R.I. 1999)) but it's to only be imposed after it has been determined there's "no reasonable alternative." *Cok v. Read*, 770 A.2d 441, 144 (R.I. 2001) (quoting *Cok v. Family Court of R.I.*, 985 F.2d 32, 36 (1st Cir. 1993)).

Here, setting aside that NO discipline of ANY KIND should've been imposed, RISC had MULTIPLE other more "reasonable alternative[s]" (e.g. warning, public censure, etc.). Instead, RISC chose to jump to the most severe sanction possible: effective disbarment (A.K.A. cruel/unusual punishment).

Again, compare the actions of **Petitioner** (**exposing corruption of others**) and the consequences imposed (**effective disbarment**) to the actions of, for example, **Keven McKenna** (**among other things, disrupting and delaying court proceedings, concealing income to a Bankruptcy Court, ignoring a subpoena, and operating an unauthorized LLC**) and the consequences imposed (**one-year suspension**).

ii. RISC discriminatorily applied "rules"

RISC's decision states things like:

> "[Petitioner's allegations of corruption] with respect to this Court, the Superior Court magistrate, and counsel for the state was unprofessional and contrary to the petitioner's responsibilities as an officer of the Court."

Setting aside, among other things, that RISC's decision effectively states that Petitioner isn't allowed to expose corruption of RIJ, RISC acknowledges that attorneys have "...responsibilities as [] officer[s] of the Court." As RISC is aware, among the responsibilities (more specifically, obligations) of attorneys are to make sure they do not submit knowingly frivolous arguments, lie to the court, etc., etc.

Petitioner submitted a filing to RISC exposing that State's counsel (Christopher Bush) LIED to RISC, presented knowingly false information in order to have RISC deny Petitioner's motion, etc., etc. In other words, in violation of, for example, R.I.Sup.Ct.Art.V, Rule 3.3, Bush intentionally lied about facts, concealed legal authority that was directly adverse to the State (and such legal authority was directly in support of Petitioner), etc. See App.21 for more.

Instead of hauling Bush in front of them to have Bush, at a minimum, explain his fraud, etc., the same court who provided Petitioner

with only three business days notice before proceeding to unconstitutionally, etc. effectively strip Petitioner of his law license (violating Due Process, Equal Protection, multiple disciplinary rules, etc.) stated to Bush:

> "***If*** the State so chooses, it may file a response [to Petitioner's allegations]..." (Emphasis Added).

IF the State so chooses?!

Among other things, RISC refused to even farce the appearance of neutrality and have Bush attempt to contradict Petitioner. Why? Because that's how inescapable Bush's fraud was. See App.21 for more.

On July 8, 2024 and August 26, 2024, Petitioner even provided RI Bar Counsel (in charge of attorney discipline) with documents regarding Bush's fraud, etc. Under RI Disciplinary rules, once Bar Counsel received a copy of Petitioner's filings, Bar Counsel was under an obligation to investigate. To date, Petitioner is unaware of any investigation into Bush, etc.

RISC's actions regarding, for example, Petitioner versus Bush provide insight into the discriminatory application of "rules," etc. For

> Petitioner, RISC makes up rules (e.g. using only PRPC (which is NOT itself a rule) to disbar Petitioner for merely exposing Judicial corruption) but, for Bush, etc., where actual Rules of Professional Conduct, etc. have been violated, RISC acts as a firewall to make sure no member of their inner-circle is touched despite multiple glaring rule violations, etc.

Even more outrageous is R.I.Sup.Ct.Art.III, Rule 14(d) (addressing Reciprocal Discipline) acknowledges:

> "...this Court shall impose the identical discipline unless Counsel or the respondent-attorney demonstrates, or this Court finds, that upon the face of the record upon which the discipline is predicated, it clearly appears:
>
> > (1) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
> >
> > (2) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not consistently with its duty accept as final the conclusion on that subject; or

> (3) that the imposition of the same discipline would result in grave injustice"

Yet, here, RISC ITSELF deprived Petitioner of Due Process, etc., presented infirm (more like non-existent) proof of misconduct, etc. and yet STILL proceeded to not only discipline Petitioner but effectively disbar Petitioner.

CONCLUSION

On page 12 (internally page 10) of a 28-page pamphlet/brochure about RISC (readily available on RISC's website (https://www.courts.ri.gov/Courts/SupremeCourt/Documents/AboutTheSupremeCourt.pdf)), the following is stated:

> "Above the bench where the five Justices of the Supreme Court sit, the following words are engraved: Non Sub Homine Sed Sub Deo Et Lege. This Latin phrase is translated as 'Not under man but under God and Law.'
>
> This phrase was spoken in an exchange between Lord Edward Coke, Chief Justice of the English Court of Common Pleas, and King James I of England in the early 17th century.
>
> Lord Coke had angered the king by issuing writs of prohibition against the Ecclesiastical

Church Courts such as the Court of Star Chamber and the Court of High Commission. The king ordered all of the judges in England to appear before him to discuss the writs. The judges felt that the writs were necessary to prevent the Church from deciding civil or secular cases.

The king in exasperation asked the group in Latin, 'Do you contend the king is subject to the law?'

This notion was so radical at that time that all the judges simply fell to their knees. Lord Coke, however, raised his head and answered, 'Non sub homine sed sub deo et lege,' indicating that the king was subject to God and to the law. As we would say today, no man, not even a judge or king, is above the law.

Lord Coke, incidentally, was a patron and mentor for American theologian and dissident Roger Williams, founder of Rhode Island, and assisted with his education. American patriots John Adams and Patrick Henry argued from Coke treatises to support their revolutionary positions against England in the 1770s."

There are a few details RISC left out from Lord Coke's story. For example, apparently soon after Lord Coke dared to state the obvious (nobody is

above the law), not only did King James remove Lord Coke from the bench, King James attempted to have Lord Coke jailed, declared incompetent, etc. Further Lord Coke was apparently accused of financial crimes, etc.

To summarize, Lord Coke effectively spotlighted corruption, King James got angry, King James ordered Lord Coke to appear before him, King James scolded Lord Coke for daring to claim a King is subject to the law, King James removed Lord Coke from the bench, King James attempted to have Lord Coke declared incompetent, Lord Coke was accused of financial crimes, etc.

Sound familiar?

Petitioner exposed Judicial corruption (including by members of RISC), RISC got angry, RISC ordered Petitioner to appear before them, RISC retaliated against Petitioner for daring to claim RIJ is subject to the law, RISC disbarred Petitioner, within six (6) days of disbarment RIJ attempted to fraudulently have Petitioner declared incompetent (as briefly noted above (see App.299 for more)), Petitioner has been falsely accused of financial crimes (see App.53 for more) (including the State forging federal documents (committing multiple federal felony offenses) in order to bring charges against Petitioner), etc.

History repeats itself. Only the present times are more disturbing since it's coming from RIJ (the entity who was supposed to be the defender of Truth, Justice, Etc.).

In fact, as Petitioner has since demonstrated, RIJ let slip that there were much more sinister plans in store for Petitioner at RISC's June 20, 2024 hearing. As Petitioner has stated:

> "...recall the Defendant's 'Sixth Emergency Letter to Associate Justice Rekas Sloan (P2-2023-3243A)' (Dated June 20, 2024) stated:
>
> > '...since the Defendant is NOT under threat of arrest for not appearing before the RI Supreme Court (unlike in the Superior Court where the Defendant is under constant ILLEGAL threat of arrest), how do they try to ensure that the Defendant will voluntarily appear to the Courthouse again (both Superior Court and Supreme Court are in the same building (with the same people))? Dangle, threaten, etc. the Defendant's Bar (something the Defendant spent years to achieve, something the Defendant has had (with an immaculate record) for almost EIGHT (8) YEARS (keep in mind, not only are Bar applicants interviewed, investigated, etc. but, in RI, Bar applicants MUST

pass all such investigations, etc. BEFORE BEING ALLOWED TO EVEN TAKE THE BAR EXAM (LET ALONE PASS THE BAR EXAM)), etc.).

The RI Supreme Court, etc. hopes to lure the Defendant to a secluded area of the courthouse (where no recordings of court sessions are used (in fact, as proof, the RI Supreme Court DENIED the Defendant's mom's request (per court rules) to have HER OWN court session for HER OWN CASE recorded (for appellate purposes) regarding Taft-Carter's illegal order)), have the euphoria of making the Defendant (who they know has done nothing wrong, etc.) grovel, etc., STILL strip the Defendant of his Bar, etc. and, ultimately, set up the Defendant (as has been the goal), have the Defendant arrested, and ensure the Defendant will have no way of proving his innocence (after all, keep in mind things like the RI Supreme Court's General Counsel has essentially euphorically stated via e-mail that she willingly destroyed evidence which helped the Defendant and incriminated members of the RI Judiciary).

...

> **The Defendant wonders if the set-up is that, at the RI Supreme Court hearing, the Defendant would be falsely accused of threatening multiple Court personnel** (e.g. AT LEAST seven (7) people (five Justices, at least one clerk, at least one person from the AG, etc.)) which would result in a life sentence (given the number of people, the fact that they are officials, etc.), etc.' (Emphasis Added Only to Highlighted portion).

The Defendant was spot-on. On November 27, 2023 (seven (7) MONTHS before the Defendant made the above statement (without the Defendant knowing what had occurred on November 27, 2023)), McBurney fraudulently, etc. claimed the Defendant's complaint submission (against McBurney) to the RI Commission on Judicial Tenure and Discipline was a 'threat' to a Judge.

Keep in mind, **if McBurney could make such an absurd, delusional lie, etc. knowing things are documented (both the subject matter of McBurney's statements as well as McBurney's statements themselves** (being audio recorded and subsequently stenographer transcribed)), **IMAGINE WHAT WAS GOING TO HAPPEN AT THE RI**

> **SUPREME COURT WHERE, AS NOTED ABOVE, THERE ARE NO RECORDINGS, IT IS AN ISOLATED AREA, ETC.** Disbarring the Defendant was only a consolation prize compared to what they had planned." (No Emphasis Added).

Note, Petitioner's June 20, 2024 show cause hearing was not reflected in RISC's hearing schedule (thus nobody without direct knowledge of the hearing would even know a hearing was to take place), there were no other RISC hearings scheduled for June 20, 2024, etc.

See App.299 for some more information.

BECAUSE PETITIONER DIDN'T FALL FOR RISC'S SCHEME, PETITIONER SAVED HIMSELF FROM A FAR WORSE FATE AND RISC'S CORRUPTION WAS FURTHER EXPOSED.

RISC allegedly praises and holds in high esteem Lord Edward Coke for his bravery in calling out tyrannical, corrupt, etc. King James I of England. RISC even praises the notion that:

> "As we would say today, no man, **NOT EVEN A JUDGE** or king, **IS ABOVE THE LAW**." (Emphasis Added).

Yet, when confronted with their corruption, etc., in addition to RISC ignoring the law, illegally, etc. retaliating against Petitioner, etc., RISC essentially declared:

> **WE JUDGES (AND MEMBERS OF OUR INNER-CIRCLE) *ARE* ABOVE THE LAW.**

More sickening, during Petitioner's Bar swearing in ceremony, Justice William P. Robinson III (one of the RISC Justices who illegally, etc. disbarred Petitioner) said to an audience of clerks, new attorneys, families of the new attorneys, etc. (paraphrasing):

> Always remember you don't know what someone is going through. So always be kind to people.

WOW! Even Actor Owen Wilson couldn't give the WOW enough emphasis.

Robinson and RISC intentionally condemned a knowingly innocent person (Petitioner (who is already being fraudulently prosecuted, tormented, etc. by RIJ, etc.)) because Petitioner dared expose their, etc. corruption.

This Court has stated law licenses are property rights. *Goldberg v. Kelly*, 397 U.S. 254, 263 n.8 (1970). Decades ago, this Court predicted that under the guise of "Professional speech," Government could

achieve "unfettered power to reduce a group's First Amendment rights by simply [restricting licensing]," *Nat'l Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361, 2375 (2018) (quoting *Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 423-424 n. 19 (1993)), which would create "a powerful tool to impose invidious discrimination of disfavored subjects." Id.

Here, setting aside, among other things, multiple Due Process, etc. violations RISC committed, despite the First Amendment, this Court's precedent, etc. guaranteeing the right to speak freely without retaliation, RISC openly retaliated against Petitioner for Petitioner merely pointing out prima facie documented corruption, etc. by members of RIJ (actions which directly affected Petitioner's case). RISC fraudulently, etc. used Petitioner's law license as a weapon against Petitioner. However, not only is RISC's order devoid of any violations by Petitioner (in fact, as demonstrated above, Petitioner was COMPLYING with his oath, PRPC, etc.), this Court has expressly stated constitutional rights may not be ignored "under the guise of prohibiting professional misconduct." *NAACP v. Button*, 371 U.S. 415, 439 (1963).

Not only isn't the practice of law exempt from First Amendment protections (including content/viewpoint discrimination), this Court recently reiterated that restrictions (let alone retaliation) on attorney speech draws strict scrutiny. See *NIFLA*, 138 S. Ct. at 2374.

This Court has made clear "...the Government's disapproval of a subset of messages it finds offensive...is the essence of viewpoint discrimination." *Matal v. Tam*, 582 U.S. 218, 249 (2017).

RISC's order openly admits its retaliatory viewpoint discrimination:

> "[Petitioner's] accusations of corrupt and fraudulent conduct by [members of RIJ]...was unprofessional and CONTRARY TO THE PETITIONER'S RESPONSIBILITIES AS AN OFFICER OF THE COURT." (Emphasis Added).

Stated differently, RISC claims Petitioner, as an officer of the court, swore an allegiance to conceal, etc. RIJ corruption, etc. Petitioner never swore allegiance to a Mafia of tyrants, etc. Petition's oath was to support the constitutions and laws of the state and the U.S. "The victory for freedom of thought recorded in our Bill of Rights recognizes that in the domain of conscience there is a moral power higher than the State." *Girouard v. United States*, 328 U.S. 61, 68 (1946).

As RIJ has demonstrated, the Constitution, etc. is a mere prop. To RIJ, the Rule of Law is a meaningless slogan good for use in brochures, to disguise corruption, etc.

As this Court knows, Petitioner requested Extension of Time to File Certiorari. See No. 24A260. Among Petitioner's reasons, Petitioner provided this Court with an extremely brief glimpse into the unrelenting illegal efforts by the State, etc. to have Petitioner arrested (for frivolous matters (underlying RISC's decision)), the MONTHS long derailment the State intentionally caused upon Petitioner which diverted Petitioner's attention away from this appeal, etc. On September 16, 2024, this Court granted extension to November 25, 2024. Within less than nine (9) business days, on September 27, 2024, the State submitted ANOTHER knowingly frivolous (fraudulent) matter to intentionally divert Petitioner's attention away from this appeal, etc. Further exposing RISC's discrimination, corruption, etc., despite RISC knowing of the State's fraud, court and ethics violations, etc., RISC has done nothing. When the State didn't receive their desired reaction from Petitioner, less than three (3) business days later, on October 2, 2024, the State submitted ANOTHER knowingly frivolous (fraudulent) matter to intentionally divert Petitioner's attention, etc. See App.21 for more.

In addition to those distractions, Petitioner has also been dealing with things like lower court clerk intentionally attempting to sabotage Petitioner's cases. See App.53 for more.

Petitioner has also been simultaneously working on other things (e.g. forthcoming SCOTUS Petition for

Writ of Habeas Corpus (App.53), forthcoming Objections (App.21), etc.).

Petitioner has been deprived, etc. of many guarantees, etc. Among those, per RI's Disciplinary rules, Petitioner was guaranteed a form of appellate review, etc. Instead, RISC made it such that Petitioner has no guaranteed appellate review of their sua sponte, unconstitutional, openly retaliatory decision.

Respectfully, this Court must take this case to correct such conduct, etc. and send a clear message to RIJ and other courts, etc. that such arbitrary, capricious, abusive, unconstitutional, etc. actions, etc. won't be tolerated, etc. To not would render Petitioner's Constitutional guarantees meaningless, send chilling effects to others' Free Speech, etc. Further, to not would, especially in the Country's current environment, provide a blueprint to courts, etc. and open flood gates to SUA SPONTE stripping individuals' law licenses for other blatantly unconstitutional reasoning such as ethnicity, gender, political affiliation, race, sexual orientation, etc., etc., etc. knowing individuals will have no recourse (thus rendering Constitutional guarantees meaningless).

ESSENTIALLY EVERY ASPECT OF RISC'S ACTIONS, ORDER, ETC. ARE VIOLATIONS OF PETITIONER'S RIGHTS, ETC.

PETITIONER HASN'T VIOLATED ANY RULES, ETC. NOR DONE *ANYTHING* THAT WOULD JUSTIFY *ANY* DISCIPLINE, SANCTION, ETC.

For reasons (some briefly addressed above), this Court should resoundingly reverse RISC's Order.

Respectfully,

Michael Prete
782 Boston Neck Road
Narragansett, RI 02882
November 25, 2024