No. 18-9171

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

JOHN JOSEPH PRIESTLEY JR PETITIONER
(Your Name)

RICK MOORE ET. AL., vs.

TWO HOUSES IN BYKEHEAD RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

NINTH CIRCUIT COURT OF APPEALS,
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JOHN JOSEPH PRIESTLEY JR
(Your Name)

C/O 3844 CEDAR RIDGE
(Address)

NORMAN, OK 73072
(City, State, Zip Code)

(405) 474-2522
(Phone Number)

QUESTIONS PRESENTED (Condensed)

Is a fiduciary's **collection** of rent from a beneficiary at approximately one hundred times the rental value of an estate's property a violation of 18 U.S. Code § 1962 (b) if there is no valid rental contract in place to do such a thing?

Does Judicial Immunity apply to the activities of misrepresentations in an illegal partisan campaign involving electronic delivery of a Statement of Organization through interstate electronic servers, thousands of illegal partisan mailings, and chicanery in compliance with multiple reprimands from a Judicial Election Commission?

Has the Judge in the above situation contributed or participated in behavior in such a way that he has contributed to contemptuous behavior? Should this Judge who made political bias part of his campaign in violation of state statute recuse himself if asked?

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

[ ] For cases from **state courts**: N/A

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was [redacted] 05/09/2017.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: SEPT 12/2018, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1) RIGHT TO FACE ACCUSER/SUBORNER RICK DANE MOORE / EX-SPOUSE

2) FREEDOM OF SPEECH / DENIED BY JEFF VIRGIN - CANNOT MENTION OPPOSING COUNCIL'S CRIME RECORD

4) RIGHT TO TIME TO PREPARE A DEFENSE TO ACCUSATIONS (BIZZARE STALKING ALLEGATIONS OF PARTIES NOT PRESENT). ABSOLUTE ZERO TIME TO PREPARE ANYTHING

5) RIGHT TO 14th & 5th AMENDMENT DUE PROCESS - STOCKS & MONEY ABSCONDED WITH - 2011 - NO HEARINGS; PROPERTY ABSCONDED. MONEY & PROPERTY TAKEN WITHOUT DUE PROCESS

6) RIGHT TO AN UNBIASED JUDGE - JEFF VIRGIN IS A POLITICIAN IN ROBES, DEMOCRAT. HE REPEATEDLY VIOLATED CAMPAIGN LAWS BY PARTISAN CAMPAIGNING, AND HAD MULTIPLE REPRIMANDS, OUTSIDE OF BEING ON THE BENCH. HE SUBMITTED WHAT APPEARS TO BE A FRAUDULENT CAMPAIGN STATEMENT BY WIRE TO OKLA. ELECTION COMMISSION. HE HAS NUMEROUS EX-PARTE MEETINGS WITH OPPOSING COUNSEL, LIES ABOUT WHO HIS ASSISTANTS ARE, AND USES PLURAL PREPOSITIONS LIKE "OUR" WHEN ADDRESSING OPPOSING COUNSEL. HE REFUSES TO CITE THEM, EVEN WHEN THEY FAIL TO EVEN SHOW UP. ON ONE SUCH EVENT HE ASKED IF I WANTED A HEARING WITHOUT OPPOSING COUNSEL, HE TYPED UP AN ORDER, WENT TO THE CLERK'S OFFICE AND FILED RESULTS BEFORE ANY HEARING.

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SUMMARY OF CASE

In summer of 1997 John Priestley Sr. employed Michael Royce Warkentin C.P.A. (A.K.A. Michelle Rose Warkentin) the scrivener a trust document. It listed Successor Trustees in birth order, John Jr. the third of three brothers. In 2003, while the Plaintiff and Settlor were visiting Patrick in Alaska. Patrick instigated trouble and both John Jr. and John Sr. spent the remainder ten days of the Christmas visit in an Anchorage Hotel.

The following summer, John Priestley Sr. removed Patrick Priestley as first successor trustee, and replaced him with Michael, the middle of three brothers. Patrick continued to instigate trouble, and more often than not planned visits would end early because of Patrick's instigations, the last in August 2010 Oakwood MN, where police report shows Patrick was asked to find another place to stay. This visit ended three days early.

John Jr. lived with the Settlor seasonally while working for Alaska Department of Fish and Game, and year round starting in 2006. The Settlor titled him "Chief Cook and Bottle Washer," but the main purpose was to help the octogenarian maintain his perception of independence. In March of 2011 The Plaintiff answered a call from the Settlor's brother and could not wake him up. John Priestley Sr. was taken to the hospital and died three weeks later.

Patrick flew from Alaska about five days later. He did not come to the Settlor's house, instead stayed with friends. Court records show that a fax Patrick had sent was a superceded copy of the trust naming him as trustee, faxed from Wasilla AK to Norman OK on March 18, 2011. John Priestley Sr. passed away on 25 March, 2011.
Michael began pilfering items from the house, and records show Patrick was who took [the Petitioner's personal] property from the Chase Safe Deposit box. At that point the Petitioner Changed locks on the Settlor's house to prevent further pilfering. Oklahoma statute for lawful resistance is at 22 O.S. 31 Chapter 2 .

FIRST ARIZONA COMPLAINT- RACKETEERING

Patrick's attorneys have now violated court orders to produce records that plausibly show that Patrick used the superceded trust to deceive Chase Bank Branch Manager Jeff J. McCombs and took control of accounts. (18 U.S.C. 1344) Of the records available through Michael Warkentin C.P.A. there is a cancelled check showing Patrick was reimbursed for destroying the lock on the Chase safe deposit box. Patrick flew back to Alaska the following Tuesday, plausibly crossing international boundaries with the contents of the Safe Deposit Box in violation of federal law. (see 18 U.S.C. 1952) Items taken included the Plaintiff's personal property, as well as stock certificates, bonds, family heirlooms and jewelry. In eight years there has been no account or inventory of any single item taken or of any of a large stock portfolio. E-mails from Michael Priestley indicate that Patrick used a wedding ring from the safe deposit box as a kick-back in violation of honest services fraud. (18 U.S.C. § 1346, 21 O.S.380) Patrick was a necessary party but delayed entering into the state action for years on the advice of his

attorney. Latches has been pled. This delay of suit is a crime (see 21 O.S. 575 Chapter 19), perhaps the least enforced of white collar crimes in Oklahoma.

The Original C.P.A. attorney Michael Warkentin sent letters (July 2011) by U.S. Mail filed with Western District of Oklahoma, fraudulently claiming that all the stocks were being put into a brokerage account. The fact revealed is that there was no brokerage account and that Patrick and Michael were cashing in stocks, and by fraudulently using the Decedent's taxpayer information, they could secret the sale and the Plaintiff would share the $178,000 tax burden of what was sold, receiving nothing but paying the taxes for whomever did.

About three weeks after the Settlor's death Patrick sent an e-mail suggesting that the Plaintiff was in effect renting the Settlor's house. The house was not in condition to rent, and was cluttered full of the Settlor's property, and there was toilets taken off because the Plaintiff had agreements to lay tile for the Settlor. The actual Trustee knew of this and even shopped for tile and toilets, but was no help fixing the problem after he claimed to be taking rent. Patrick's own e-mails and court record shows that as Patrick and Michael were distributing hundreds of thousands of dollars to themselves, they were also collecting hundreds of thousands of dollars of rent in advance, a unlawful debt for a house that was not legal to rent. (18 U.S.C. 1962) Michael Warkentin CPA's accounting which was rejected by the court shows all the income from rent was collected in the first year after the Settlor's death, even stating that there was no significant income after 2011. The Plaintiff claims this as the collection of an illegal debt, a violation of Federal R.I.C.O.

In the interim Patrick sent numerous lulling communications, many filed with the AZ court, plead with Rule 9 specificity. "Mike is doing such a good job".....be thankful not suspicious, all the while the money was being drained from accounts, and laundered through dozens of wire transactions. In spite of court orders, there are no details of this unknown account other than Chase Bank continues to refuse to .

Warkentin C.P.A. also sent numerous lulling letters promising an accounting in a statutory time frame. This never happened. Even though he was retained for investment advice by the Trustee, and according to the trust, the Western District did not feel the trustee had been served, and U.S. Marshalls could not serve the absconding trustees, and neither of them answered several attempts at certified mail. Alias summons was issued, but the case dismissed, originally a simple two page demand for accounting.

Following Dismissal, Michael Warkentin C.P.A. filed in state court alleging that there was an in-terrorem clause, and that an accounting had been provided. In hearing, the first Judge Thad Balkman shut down hearing to look for the "typical" no contest clause the trustees were relying on. There was none, and Warkentin claimed "he hadn't read the trust." The case was sent to mediation in Oct, 2014, and no accounting was provided so it could not proceed. The case was then handed to a freshman Judge.

Jeff Virgin was assigned the case. Jeff had been elected by a narrow margin, illegally running a Partisan Campaign. He was reprimanded repeatedly by the Judicial Election Counsel. There was a public concern for his chicanery of compliance described as "slick Lawyer tricks."

He approved a motion to disqualify Warkentin as an attorney witness, and after months of delay for Michael to find an attorney a default Judgement was entered. It was during this delay (Nov, 2015) that Patrick Priestley began an ex-parte communication to Jeff Virgin, exposing information about a stay in a psychiatric hospital as a child over 40 years ago. Patrick had made similar threats throughout his years as an absconder, and clearly was attempting a fraud upon the court with this prejudicial information. Patrick had violated the state's extortion laws, (21 O.S. 1481, 1482) and therefore predicate acts under R.I.C.O. There are no plausibility issues with extortion, but what is in question is was he doing this with the advice of Rick Dane Moore. The answer is most likely. Moore's recent abusive litigation tactics have been described in an unrelated case in a Motion for Sanctions in the Western District Court of Oklahoma. This motion was provided to the Ninth Circuit along with other pleadings that describe Moore's other "schemes" as the U.S. Treasury describes. Also supplied to the Ninth Circuit were pleadings describing nominee loans and under collateralizing a F.D.I.C. loan claiming that rubies were worth $4.2 Million Dollars. An appraisal after he defaulted shows they were junk. Moore also has a .6 billion U.S.D. precious metals mine alleged that he uses to attract investors to wire $500,000 and then defraud them. Moore's letter to explain these things to the bar is another use of the U.S. Mails to defraud, is dishonest, and misrepresents; numerous lies. He has lied in letters to the FBI special Agent, and files Suspicious Activity Reports only to divert attention from himself. Moore's other schemes have been done using a Tribal partner and has claimed sovereign immunity as did other recent successful "rent a tribe" R.I.C.O. convictions.

The Default Judgment had included compensatory damages for stocks and accounts, as well as tortuous interference with economic opportunity, and tortuous interference with prospective economic advantage. All issues were decided by default, including a declaratory Judgment for latches, alleged rent owed, and a voire dire for attorney competence/negligence/malice. Upon his disqualification Mr. Warkentin C.P.A. claimed "they" would never find a local attorney to represent them. Where there is a demand there is a supply.

Defendant Rick Dane Moore was an acquaintance of the Plaintiff for decades. Rick had visited the Settlor's residence a time or two after the Settlor died (about 2012) , and had knowledge of the situation. The Plaintiff visited Moore in Summer of 2015 after Warkentin was hired and a default Judgment was imminent. Moore offered a retainer agreement at that time, but the Petitioner refused.

A month after a Default Judgement was entered, a letter from Shanda Adams came, she had made an 11th hour entry of appearance for Patrick. The return address had no indication that this was Rick Moore's office, nor did any of the first pleadings reflect that Adams was in any way associated with Moore's office. 18(See U.S.C. 1342) It appears

Rick's previous visits to the house were an attempt to glean information and or to hustle up a client. His offer of a retainer confirmed this. His firm then appeared as Shanda Adams alone. In attempt to hide the fact that Rick Dane Moore is involved, to hide rule 1.18 violation and in violation of federal criminal statute by his attempt. An attempt to disqualify Moore's firm was denied. In addition to the ethics violation of rule 1.18, Moore had motives of passion proscribed by the state's code of conduct; his ex-wife is a friend of the Plaintiff, and he was alleged not fit as an attorney, and a motion to disqualify read like a federal indictment the numerous schemes that violate Federal Law. As was pled in the District Court these bank frauds were not "conclusort" but comity of the courts as one action for bank fraud found Moore disqualified and rearrangement of parties made he and his Organization third parties to the bank fraud he had designed. fraud. Moore's client, First National Bank of Davis, OK was eventually shut down for nominee loan schemes like that which Moore benefit from. It's president was convicted to do time in FCI. Of the people indicted, Moore either had a proffer agreement went without notice by the OIG, whose representative told the Plaintiff we don't like to prosecute attorneys. There has been an abject failure of numerous agencies, Courts, and Bar Associations to protect the public from this pattern of schemes and predicate acts.

Moore Associates was ordered to provide $800/ worth of bank records by the court. They did not. Instead they waited for the Plaintiff to provide what bank records he had, and these provided earlier and estopped as not an accounting were recycled and handed back to the court as an accounting. If this proves anything is that Moore and Associates are not providing strictly legal services, they are unlicensed accountants, which is where the courts have found a beneficiary can sue for racketeering. (see Trask vs Kasenitz) The Plaintiff has also submitted photos to the Arizona Court of the trees cut by Moore's firm. These 40 year old branches were cut as makework to inflate costs, and destruction of privare property. There was no approval of this plan according to Arizona Law. Moore also allegedly did an estate sale which netted 2% of the $50,000 his client Patrick Priestley estimated it's worth. There was no inventory of any item.

Like Trask vs, Kasenitz, the Trust involves unpaid loans which are being concealed by their violation of Court Order to produce the bank records. These unpaid represent illegal gifts under the tax code being willfully concealed. Furthermore, statements by the Banker indicate that Patrick did use the superceded trust, and that the records being concealed are evidence of a crime of Bank Fraud (see Shaw vs USA) Moore has for decades exploited the void between federal criminal law and State Court Judges. Here they are willfully disobeying a state court order to conceal the crime of bank fraud.

In addition Mr. Moore's misrepresentations on his website are fraudulent inducement. He likes to tout his military career but there are questions about his discharge he will not disclose. He claims to have a "Team" of attorneys, and that it will be an attorney answering the phones when you call. The Plaintiff alleges these are fraudulent inducement as there were mostly non attorneys running an office in Oklahoma; Moore is a resident of Florida. The Plaintiff has alleged that each time an intern has answered the phone is predicate act as is his website. In April, Moore began pulling down three websites to conceal the fraud. The issue of his conflicts is a double edged sword as

Moore's ex-wife who he may have received information from has also provided internal e-mails from RDMA that show non-attorneys being supervised by non attorneys. These were available to provide to the Ninth Circuit for a motion to reconsider.

FIRST AMENDED COMPLAINT

Moore furthered his scheme using the mails to write to the Bar Association in August of 2017. He claimed ipso facto that the amended complaints were the same. The fact is that the First Complaint complied to a Rule 9 fraud/racketeering specificity pleading, the second complaint had no mention of racketeering at all. The First Amended Complaint addressed constitutional rights of due process, a violation of 42 U.S.C. 1983. Including deprivation of money by the IRS and others and deprivation of property without due process, reasonable time to prepare defense to Moore Associates' bad faith accusations of stalking, Further due process evidences a biased Judge who abuses contempt powers against those that aren't politically aligned with his party, and who refuses to enforce discovery orders for materially important bank records. Honorable Jeff Virgin frequently departs from statute and Oklahoma Constitution; He denies constitutionally protected right to a jury ( ) and will not cite an attorney for contempt. Virgin fails to follow administrative procedure in writing, signing and sending orders resulting in denial of appeals, and when RDMA writes Journal entries, they add anything they please to it pursuing their contemplated harm of sanctions. (see 21 O.S. 1585 *forgery of court instruments)*

These are not Judicial activities on the bench, they are administrative duties that are not subject to Judicial Immunity. The Plaintiff provided local news articles on the Judges campaign violations, and there was a matter of public concern in dealing with what was described as "slick lawyer tricks" in the way he sidestepped the Election Commission's orders. In five years as an elected judge there is still no proper accounting, and the Plaintiffs stonewalling as to inventories of stocks sold and bank account locations is a fraud upon the court preventing the Defendant/beneficiary from calculating a Default Judgment.

Further the Oklahoma Supreme Court issued a writ of Mandamus. Jeff Virgin refused to pass Jurisdiction to an unbiased Judge, yet continued to use Plural pronouns of "our motion" in the record and "I think Michael is the problem, not Patrick." Strangely Virgin was rotated to Chief Judge, and another county had to rule. Their mail apparently goes to a dead letter office, and though their machine says they will return your calls they don't. But interestimgly enough Shanda Adams was able to take care of the hearing issue ex-parte, another deprivation of due process.

The [Arizona Federal] Plaintiff provided Hon. Campbell evidence of forgery of court instruments, a second degree felony in Oklahoma, as well as one of many Oklahoma Anti- Racketeering and Corrupt Organization prevention Act violations. The Cleveland County District Court became a game of Simon Says, and orders were modified at will to conceal further the RDMA clients' Bank Fraud, wire fraud, extortion, and to exact the

contemplated harms shown to Honorable Campbell. But for the purposes of 42 U.S.C. 1983, there are serious due process issues with adding text of non-existent events to an order, and it makes the Judge a witness to a crime.

On the third time the Plaintiff's attorneys failed to show up, Judge Jeff Virgin asked whether or not to have a hearing in their absence. Upon hearing yes, he said he would be back. After a half hour or more wait, his secretary entered the otherwise empty courtroom and handed the Appellant the results of the hearing about to happen, dated that day.

The Appellant has provided the Ninth Circuit with a Motion for Sanctions against Moore and Associates. It involves the Cheyenne Arapaho tribe in Oklahoma, and the document describes many of the same abusive litigation tactics that RDMA has perpetrated in the state court. There they quickly withdrew the case, but sanctions are still pending.

Some of the abusive litigation tactics Moore has perpetrated are furthered by not just the cumbersome court rules, but by the disparity in their application. The Plaintiff made a detailed complaint about Moore's violation of prospective client rules, his vendetta towards his ex-wife and her friends, and his fitness to practice law. There was no response to the pleading, in many courts accusations not denied are deemed admitted. In this case there was no answer and no hearing involving Moore himself. A subpoena was sent by certified mail, but in Oklahoma Rules requiring a process server at cost of a hundred dollars protects people from having to appear for IFP litigants. Nbever-the-less The failure to have Moore appear and a Rule 1.18 violation causes irreparable harm and damages the adversarial process. Moore's allegations also included that the Petitioner was stalking his ex wife (see O.S. extortion, 18 U.S.C. 1961) This was suborned perjury. And a violation of sixth amendment right to confrontation. As well this pleading was not served it was handed to the Petitioner as he got on the witness stand, and it took a week or more to find his ex-wife, type up an affidavit from her to refute this suborned perjury, and provide it to the court.

It was before this hearing that the Petitioner had visited the RDMA headquarters to pick up the accounting that was overdue. This violation of court order was called "stalking" for the Petitioner attempting to collect the weeks late accounting. It was also at this hearing that Judge Virgin lied in introducing a university law professor as "Mr. Rogers, my intern." (see AZ 13-2006) This transcript was provided to the U.S. District Court at Phoenix. His real name is Theodore Roberts and he participated in furthering R.I,C.O. violations, and was listed as a Defendant. If he is immune as a Defendant, he is still a witness to the Federal Crime of extortion. Moore and Associates disclosed who he had retained counsel. At this September 2016 hearing the dishonest Judge succeeded in the Plaintiffs goal of victim blaming and achieved the "farce and mockery" standard for protecting the beneficiaries civil rights. Here, the Partisan to a fault dishonest Jeff Virgin was a significant contributor to reasons for contempt, and in violation of 42 U.S.C. 1983 and state law, there was no option of a Jury, indigent counsel or dis-interested Judge to hear the matter. It was at the next hearing that the Plaintiff served the Arizona Court complaint on Shanda Adams.

In the Motion for Sanctions filed in Federal Court case. Moore and Associates, Moore's filing was delayed until the day or two before a tribal election. This was listed as one of many abusive litigation tactics. Likewise, Moore claims he met Patrick Priestley through LegalMatch.com in early 2014. His proper advice should be that Patrick is a required party and as such he needs to enter the case. As an abusive litigation tactic Moore and Associates delayed entering the suit until three weeks or more after the default Judgment was entered in favor of the petitioner. Though latches was pled, the cozy relationship with this Judge and Moore and Associates begs the question of did the ex-parte appointments between this Judge and "team" of two attorneys begin before they even made an appearance in the case?

The Petitioner wrote the proposed order of Default Judgment, but the Judge never filed it, Judge simply waited for Patrick, who took property from the bank to make an appearance and have his second bite at the apple.

The abusive part of this delay is the Judge is not going to call this latches, and he is not going to call it a crime (Delay of Suit and barity are both listed as crimes in the Oklahoma Statutes 21 O.S. 575; 21 O.S. 550,551). The Petitioner in good faith allowed Patrick to be trustee as per the Settlor's wishes, and gave him 60 days to account for what was taken. Three years later there has been no new information as ordered by the Judge, and along with the cooperation of a biased Judge Moore and Associates have continued to inflate the costs of concealing their client's federal crime of Bank Fraud. Beyond that, the Default Ruling was not vacated, but the litigation has persisted for three years without the ordered discovery. The abusive part of this is that the Court Charges fees for filing any post Judgment Motion. Motion. Considering the behavior of this Judge, and that political bias taints his decisions, Paying this fee restricts access to the courts of IFP litigants with any sense. In fact It does not matter that County Records show that the Petitioner paid $5000 tax on the Trust's property that the trust should have paid, and the Petitioner has gone to the trouble of putting this in the Judges' hands, he will rule that you pay the taxes again. (See)

SECOND AMENDED COMPLAINT

The Second Amended Complaint reaffirmed, realleged and reincorporated all of the previous complaints, and in addition added the Arizona Racketeering statutes, which are not actually named as racketeer but as "pattern of Criminal Activity." The Arizona Statute encompasses all out of state acts analogous to AZ statute that carry a minimum of one year sentence.

The Oklahoma Statute includes perjury, but does not allow a civil provision other than instigated by the attorney General. Arizona does have a civil provision. The Petitioner filed the third amended complaint and as per statute sent the copy to the Attorney General.

Included in the complaint were forgery of court instrument , bank fraud' Mail Fraud. Wire fraud, (emails)

NINTH CIRCUIT MOTION FOR RECONSIDERATION

The District Court of Arizona called this appeal was taken in bad faith. The Ninth Circuit held the case, and as per the Court's instructions the Petitioner did not file a brief.

As it were the Petitioner had a document ready to file and it was simultaneously in the mail, and the information was allegedly reviewed by three Judge Panel.

The Motions also contained what were two very recent decisions of the Ninth Circuit. *U,S.A. vs Jarec Wentworth Nos. 15-50467* Appeal from the United States District Court for the Southern District of California *D.C. No. 2:15-cr-00131-JFW-1*

Though we hoped Patrick would be forthright with information, one of Patrick's ex-parte communications to the Judge through the court's electronic website was to expose the fact that as he had threatened, he would expose that The Petitioner had been hospitalized for a month as a minor a psychiatric ward 40 years ago. Though this seems like the first most important thing that Patrick wanted the Judge to know, expressing to the Judge that the Petitioner had demons that haunt him. What is more important is that Petitioner was the first of three brothers to take a college degree, and work in fishery for three different states and get sea time piloting water craft for all as well as the Department of Fisheries and Oceans of Canada. The Petitioner also understands what extortion is. *See Wentworth*

Brank takes the position that only threats causing fear of physical violence or economic harm are cognizable as extortion under the Hobbs Act. This argument is not well-taken. Extortion under the Hobbs Act is defined as "the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right." 18 U.S.C. § 1951(b)(2). That is precisely what occurred here; Brank obtained Burns' property, inducing Burns to part with through wrongful use of fear that Burns' private life would be exposed.

The other Ninth Circuit Case allowed a third amended complaint. In *Mai Mgoc Bui v. Ton Phi Nguyen*, 2017 WL 4653438 (9th Cir. 10/17/17)

Defendants had a "scheme to plunder millions of dollars from Mrs. Bui," and that Defendants "accomplished this plunder of Mrs. Bui's money by means of deliberate, calculated and malicious [ ] acts, including actual fraud, wire fraud and forgery."

There may be additional facts and legal theories that could be incorporated into a Third Amended Complaint which, as required by the Federal Rules, "[t]he court should freely give ... when justice so requires." Fed. R. Civ. P. 15(a)(2).

The Petitioner is a beneficiary of a trust that has afforded the other beneficiaries houses, showroom new cars, and international vacations paid in cash. The difference is they were either trustees, or were using quid pro quos to influence the trustee. A Judge in Oklahoma for whatever reason has refused to do the work of the lower court. Three U.S,Circuit Court Judges have been asked for injunctive relief of getting bank records the Plaintiffs have been ordered to pay for by the Oklahoma Courts. Refusing to provide this infers in favor of the not only the Petitioner, but for the plausibility that Moore of Moore and Associates made an Illegal contract with Patrick Priestley, paid for by the trust. Further, new evidence not included in the appeal is sent by U.S. Mails. Though the Petitioner never signed an Oklahoma Bar Association Complaint, he received a copy of a letter from Moore to the Bar Association, and it appears they initiated their own investigation. Though there are several misrepresentations, Moore alleges that this dialogue of helping a bank defrauder was negotiated through LegalMatch.com in "early 2014." LegalMatch.com is available exclusively by use of instrumentality of interstate commerce.

The appeal process began as an interlocculatory, appeal after the Petitioner sent copies of Court orders that had text forged into them. Even if this wasn't a second degree felony crime in Oklahoma, and a Predicate Act of both Oklahoma and Arizona Statutes it is still a due process violation. Originally the Public Integrity section was invited to participate, but perhaps the O.C.G.S. would be the proper subdivision in the Justice Department.

This is a typical case of a fraudulent trust as Mr. Moore has described in a letter to Special Agent Fairbow, make the money go away and there is no incentive for another attorney to pursue a beneficiaries' rights. A 2/3 majority voted to split the estate in half.

Mr, Warkentin C.P.A. has benefit enough from his trust mill have elective surgeries, and he has chosen to resign his C.P.A. license, which WILLL turn off an investigation by the Oklahoma Accountancy Board by their discretion.. The Petitioner has done all he could in the state court in eight years to make a biased judge do the work a Judge of the lower court was elected to do. This was not a judge but a politician, and apparent student of Karl Marx with his first opportunity to disrupt or , supersede inheritance and put a lifetime of hard work and frugal living into the control of the local party members..

CONCLUSION

More important than the politics a biased Judge can inject into a non-partisan problem are The Settlor's wishes. The settlor's wishes are what Patrick wanted to disrupt, and now Patrick's behavior has become a risk to perhaps everyone but himself. As trustee he has He did receive money and property from Chase Bank by deception. There is nothing implausible about this. It was never his to take, there is nothing implausible about that.

Patrick would not be the first of Moore's clients to go to federal prison for Bank fraud. There is nothing implausible about that. As for a Judge who thinks "I would not want [ ] to happen to me as an attorney," well those thoughts are valid. But, did that Attorney convince a bank president that he should make a loan of $240,000 for a handful of junk gemstones. Does that attorney/Judge convince someone that they should invest in his $.6 billion U.S.D. in an offshore precious metals mine that exists only in the mind of the fraud feasor? Did that Judge take $30,000 of his minor child's personal assets and lose it in an unlicensed bitcoin trading scheme? Would that attorney/ Judge grant lenity if it was their Grandmother who had been bamboozled? Even Warkentin stated "there would be no one to take the case" he botched causing damages. But unlike Moore who repeatedly seeks out nefarious ways to "spring some cash" out of a bank, or a retirement plan, or to seek out a client he knows has controlled a family trust by bank fraud, quid-pro-quos and extortion, pattern of racketeering. There are those that do practice ethics, those who couldn't care about money but would gladly take on a case like this if the Supreme Court grants Certiorari. That officer of the court will be eager to show a Judge that these facts *are* plausible. And it is that attorney which will gladly connect the dots of a bank fraud scheme and repair the damage people like Rick Moore has done to numerous families as well as judicial process that offers copious unjust enrichment for anti-social behavior. The Petitioner asked the Ninth Circuit for injunctive relief involving discovery ordered by the Cleveland County Court. In addition to all the requisite requirements of injunctive relief, the fact is that with this particular judge there **is no other way** to get these bank records than by enforcement of a court order or Grand Jury. The Petitioner asks that this court grant certiorari with instructions for treble damages (replace the entire estate, stocks 1 for 1) and all bank accounts, CD's, vehicles and outstanding loans, and damages tortious interference.

REASONS FOR GRANTING THE PETITION

1) Twenty Five years ago a Pulitzer Prize was awarded to Jeffrey Good of the St. Petersburg Times for his editorial series Broken Promises/ Broken Trusts. The editorial series expressed a public concern for the abuse of trust accounts, as well as the horror stories of financial abuse by executors and attorneys. At this point the United states and the "Baby Boomer" generation is about to begin the largest inter-generational transfer of wealth in the history of the world. Though the Pulitzer prize was awarded for the subject, little has changed and family courts have increasingly become what Good described as an *"An invitation to gouge. It's time for legislators to put the law where it belongs: in the trash."* Oklahoma's laws are similar, and there is no better example of this practice than Moore's being turned loose without supervision by our absentee trustee, Patrick Priestley. The Petitioner has shown the Phoenix District Court some of the make-work done on trees without any rhyme or reason by Moore and Associates, which amounted to malicious destruction of private property. In the 25 years since the article was written there has been no improvement in the greed and gouging involved in estate planning, and there is no better example of this than Defendant Rick Dane Moore et., al. The one single glimmer of hope for repairing the process was the Supreme Courts abrogation of the probate exception in Marshall v. Marshall, 547 U.S. 293 (2006), which cast a light on schemes abusive practices trust and probate attorneys set out to achieve in the urban and backwater counties of the states. In this matter the Defendant Rick Moore, et., al. has for decades used his relationship with certain local judges to "spring some cash" out of a small FDIC lending institute with bogus collateral, or to unwittingly teach how to establish " fraudulent trusts to defraud individuals and financial institutions." As the St Petersburg Times describes, "A license to steal" Moore has used his friends on the bench to exploit the void between Federal Crimes and a cozy relationship with state court adjudicators.

2)

The Plaintiff received a Default Judgment Just before RDMA injected themselves into this case. Clearly the Defendant was bequeathed a stock portfolio, but after eight years there has been no effort by the Plaintiffs and the [Oklahoma Supreme] Court to do anything other than conceal what the inventory of stock was. What the court has done is exact the contemplated harms of the RDMA extortion letter by three years of repetitive contempt pleadings, perjury and subornation of perjury and a double standard created by Moore Associates forgery of court documents; where one party complying is cited is cited for contempt, and another obstructing and ignoring court orders cashes in on delays from the generosity of a biased Judge. And Moore Associates has now billed untold tens of thousands of dollars if not a hundred thousand dollars so that Patrick Priestley can keep his activities with the

Chase Bank concealed. An Order to produce Chase Bank Records was ignored by the Plaintiffs and is material to tens of thousands of dollars of loans as the trust describes "fairness to the trust and all beneficiaries under it." Here, a medicated second (?) trustee who is genuinely hostile, and has done nothing to remedy a breach other than victim-blaming and extortion of a beneficiary alienated from his inheritance. These actions taken by the trustees' and their Council **are** criminal, and the public interest dictates that the herd of "Gouger- Racketeers" be culled out from just ordinary gougers by a process of indictment. IRS release 201037039 provided to the Phoenix Court shows that the Department of Treasury knew of multiple schemes involving bank fraud and ERISA violations, yet this bona fide hostile trustee still brought this person with a resume of Predicate Acts into our family business.

3) News articles provided to the Phoenix Court show a public interest in violations by a Judge, lenity, and continued non-compliance of Judicial Election Counsel orders, and "slick lawyer tricks" consisting of bad faith compliance with election committee orders. In addition the filing of a statement of organization through ATT servers in New York claiming non-partisan campaign while all other campaign media of the candidate ooze partisansism' makes the filing of the Statement of Organization a misrepresentation or fraud by wire. Suggesting fraud to a biased Judge causes this biased Judge to become more biased.

4) Public Interest in preventing and restraining Financial Fraud, money laundering and fraud. The U.S. D.O.J. Press release in the Madoff Case suggested that the FBI cannot do it all, they rely on the help of people reporting fraud to do their job. Chase Bank had a standing consent order from the Madoff debacle to know your customer. At the same time the Petitioner was asking bank officials and filling out electronic forms trying to get personal property from the safe deposit box returned, reporting it to their fraud section. As the DOJ suggested in the Madoff scams was that it was a matter of connecting the dots. This is ostrich behavior by the bank, attorneys, Bank's brokers [who took commissions and abetted tax fraud with deceased's SS#]. Here the Petitioner asked the Ninth Circuit to prevent and restrain the Trustee from giving the settlor's residence to Racketeers, and use it to house an investigation of the local kleptocracy (and rectify tax inequities) .

5) The R.I.C.O. law is for protecting repeated harms of the same or similar victims and schemes. Moore Associates misrepresented his use of interns on an internet website. People answering the phone were not a licensed "Team" of Attorneys as described in the RDMA website. Much worse, they were interns in a law school instead of working for indigent clients through the law school, this ULP school projects into the future with obstructive discovery tactics, harassment through the courts, Candor to the court of dishonesty, bad faith and greed.

6) During the most contentious partisan federal election in the history of the country a partisan Judge is being directed towards looking at a facebook page of the Defendant's that contain numerous barbs at Hillary Clinton. Oklahoma is a state that has a constitution that is supposed to protect a litigant from knowing what party their judge belongs to. Unfortunately this Judge does things his own way regardless of what any silly election counsel tells him. His bias is apparent in his actions and inactions. Democrats in his court do not have to follow Court Orders for discovery of material information. (?)!

RESPECTFULLY SUBMITTED
THIS 5TH DAY OF APRIL 2019