ORIGINAL

No. 25-148

In The Supreme Court of the United States

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

Michael Prete
782 Boston Neck Road
Narragansett, RI 02882
August 3, 2025

QUESTIONS PRESENTED FOR REVIEW

Did this Court's *Abney v. United States*, 431 U.S. 651 (1977), decision limit the permissibility of interlocutory appeals by defendants in criminal cases to ONLY double jeopardy claims?

If, as *Abney* makes clear, no such limitation exists, did the R.I. Supreme Court's ("RISC") intentional defiance of this Court's binding case-law unconstitutionally strip Petitioner of Due Process, Equal Protection, Etc. Guarantees?

Did RISC violate Petitioner's First Amendment rights against retaliation for Petitioner's exercise of Constitutionally Protected Free Speech when RISC unconstitutionally, etc. stripped Petitioner of his RI law license for, as RISC expressly stated in its disbarment order, exposing the R.I. Judiciary's corruption, etc. and has, to date, refused to reinstate Petitioner?

Has the R.I. Judiciary's repeated defiances of Constitutional Guarantees, this Court's binding case-law, etc. (e.g. RIJ intentionally defying this Court's *Abney* ruling, RIJ ruling Petitioner isn't entitled to exculpatory evidence, RIJ disallowing Petitioner from subpoenaing defense witnesses, RIJ allowing Prosecution to prohibit both Petitioner and any potential future jury from reviewing the supposed evidence (the bills) of the alleged crime, etc., etc., etc. (some briefly discussed herein)) demonstrated that it

is prima facie impossible for Petitioner to receive a fair process at any level, etc. (hence the reason for Petitioner's Habeas Petition)?

Do Petitioner's interlocutory appeals fit within the collateral-order exception to the final-judgment rule?

Did RISC's intentional refusal to enforce, comply with, etc. R.I. Judiciary ("RIJ") Rules (e.g. R.I.Sup.Ct.Art.IX), R.I. Law (e.g. R.I.G.L. §9-24-7), etc. (guaranteeing Petitioner the right to appeal interlocutorily) unconstitutionally strip Petitioner of Due Process, Equal Protection, Etc. Guarantees?

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):

Prete v. State, No. 24A902 (United States Supreme Court)

In re Michael Prete, No. 24-1000 (United States Supreme Court)

Prete v. State, No. 24-614 (United States Supreme Court)

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

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

State v. Prete, No. SU-2024-0152-MP (R.I. Supreme Court)

State v. Prete, No. SU-2024-0226-MP (R.I. Supreme Court)

State v. Prete, No. SU-2024-0235-CA (R.I. Supreme Court)

State v. Prete, No. SU-2024-0259-MP (R.I. Supreme Court)

State v. Prete, No. SU-2024-0296-MP (R.I. Supreme Court)

State v. Prete, No. SU-2024-0299-CA (R.I. Supreme Court)

State v. Prete, No. SU-2025-0106-CA (R.I. Supreme Court)

State v. Prete, No. 32-2023-04666 (R.I. District Court)

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Rhode Island Supreme Court's ("RISC") unreported orders reproduced at App.A-B.

JURISDICTION

RISC's 1/30/25 dismissal order and 3/7/25 order denying rehearing. Justice Jackson extended time to 8/4/25. *See* No.24A1128. This Court "(SCOTUS") has jurisdiction under 28 USC §1257(a).

LAWS INVOLVED

U.S. First Amendment:

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

U.S. Fifth Amendment:

> "No person shall be...deprived of life, liberty, or property, without due process of law..."

U.S. Fourteenth Amendment:

> "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."

STATEMENT OF CASE INTRODUCTION

The R.I. Judiciary ("RIJ") has apparently been operating as:

> "...*Abney v. United States*, [431 U.S. 651 (1977)]...allows an appeal from other than a final judgment **SOLELY** on double jeopardy grounds.'" *State v. Berberian*, 411 A.2d 308, 312 (R.I. 1980) (Emphasis Added Only to "solely").

SCOTUS's *Abney* decision stated oppositely:

> "Our conclusion that a defendant may seek immediate appellate review of a district court's rejection of his double jeopardy claim is based on the special considerations permeating claims of that nature which justify a departure from the normal rule of finality. Quite obviously, such considerations do not extend beyond the claim of former jeopardy and encompass other claims presented to, and rejected by, the district court in passing on the accused's motion to dismiss. **Rather, such claims ARE appealable if, and only if, they TOO fall within *Cohen's* collateral-order exception to the final-judgment**

> **rule**." *Abney v. United States*, 431 U.S. 651, 663 (1977) (Emphasis Added).

The emphasized portion specifically states ANYTHING is appealable if it TOO fits within the "...collateral-order exception to the final-judgment rule." There's NO limit to ONLY Double Jeopardy.

Despite Petitioner pointing this, and other things, out to RISC AND Petitioner advising that Petitioner would be appealing their decision to SCOTUS (*see* App.C), RISC allowed Prosecution's Motion to Dismiss (App.D) to be heard (despite being procedurally barred (as Prosecution himself admitted in other cases), failing to comply with service requirements, etc. (all addressed by Petitioner (*see* App.C))) AND granted Prosecution's motion claiming ONLY double jeopardy claims may be appealed interlocutorily.

RIJ REFUSES TO ACKNOWLEDGE *ABNEY*'S SCOPE TO EXERT UNCONSTITUTIONAL POWER IT WOULDN'T OTHERWISE HAVE OVER DEFENDANTS.

How has RISC's clearly fraudulent reading of *Abney* stood for nearly HALF A CENTURY? Perhaps RI lawyers have been unwilling to challenge RISC for fear of retaliation (e.g. RISC effectively disbarred Petitioner (*see* Petitioner's Writ Of Certiorari Petition (24-614) (11/25/24) ("WC") for more) when Petitioner exposed RIJ's corruption, etc.), etc.

BRIEF BACKGROUND

Not only has Petitioner been unconstitutionally, etc. stripped of his RI law license for, as RISC's disbarment order expressly stated, exposing RIJ's corruption, etc. (App.E), Petitioner's been battling against: being corruptly railroaded to illegal conviction by RIJ (who doesn't care what crimes (by the State, etc.), constitutional violations, etc. are committed, SCOTUS binding precedents violated, etc. to achieve their goals); repeated ongoing efforts to sabotage Petitioner's filings; repeated retaliatory efforts to fraudulently, etc. jail Petitioner (including RIJ issuing frivolous bench arrest warrants for what RIJ gleefully acknowledges no violation occurred, etc.); etc. All they needed to do was get Petitioner into their corrupt system and it was smooth sailing for them from there.

This case began with no one from Santander calling the Smithfield Police Department yet, on 7/25/23, an officer of SPD (no member of which has ever met, interacted with, etc. Petitioner or Petitioner's family and SPD's at the other end of the State from where Petitioner lives) walked into Santander Bank (where Petitioner was depositing checks/cash into his family's 28-year account (which Petitioner co-owns)) and, as seen on surveillance, began immediately instructing a still unidentified employee so SPD could arrest Petitioner. Once six officers swiftly swarmed the bank for what they knew, in advance, was only an alleged non-violent offense with only one

individual involved, SPD officers (including a Lieutenant, Sergeant, Investigator, etc.) refused to hold the bills (the falsely alleged basis of the arrest) up to the light (among other things, they knew they were under surveillance cameras and they didn't want it on record that they knew the bills were GENUINE (as repeatedly confirmed (as shown on surveillance) by Prosecution's star witness (a 43-year expert witness)) (FURTHER PROVING THEY WERE FULLY AWARE OF THEIR ILLEGAL ARREST)).

Despite State's 43-year expert witness administering multiple authentication tests on two (2) $100 bills and each bill passing each test administered (e.g. watermark verification, security thread verification, etc.) (as seen on Santander surveillance footage (Prosecution Information Charging Package ("PICP") "Exhibit 12") (*see* also WC's App.U)), SPD illegally arrested Petitioner (in violation of Petitioner's Constitutional rights, etc.) for the falsely alleged crime of passing counterfeit bills (even despite SPD ADMITTING the bills were GENUINE).

Even a WEEK AFTER Petitioner was illegally arrested, SPD's own documentation (PICP "Exhibit 7") shows SPD referring to the bills as only SUSPECTED counterfeit (even despite at least THREE (3) declared SPD Investigators, Detectives, etc. involved in Petitioner's case) (because the bills were GENUINE (as SPD had admitted)); further evidencing SPD's illegal arrest (e.g. **until SPD had**

PROOF the bills were allegedly counterfeit, SPD couldn't legally arrest Petitioner for the falsely alleged crime of passing COUNTERFEIT bills).

SPD FALSIFIED THEIR POLICE REPORT TO ATTEMPT TO JUSTIFY THEIR ILLEGAL ARREST AND ENSURE PETITIONER WAS FORCED INTO THE SYSTEM.

Unable to claim the bills were counterfeit (since they repeatedly tested genuine, SPD admitted they were genuine, etc.), the State forged (counterfeited) a document to make it appear as though the United States Secret Service ("USSS") reviewed the bills and concluded they were counterfeit. In addition to other prima facie evidence exposing the document's forged (counterfeited) nature, USSS has informed Petitioner (via Freedom of Information Act Request responses) that no such document exists in their records (despite the document appearing to allegedly be FROM USSS) (*see* WC's App.S). In other words, USSS didn't issue that 8/3/23 letter Prosecution used to bring this fraudulent, etc. case. **The State forged (COUNTERFEITED) a federal document (in the process, committing multiple federal felony crimes including impersonating a federal official, etc.) to bring this fraudulent, etc. case.**

As Petitioner's exposed (*see* WC's App.S):

"**The Defendant has documented proof (from the United States Secret Service) that the alleged August 3, 2023 letter IS NOT AUTHENTIC (THE ENTIRE LETTER (E.G. ITS CONTENTS, ETC.) HAS BEEN FALSIFIED BY THE STATE)**...Defendant submitted two (2) Freedom of Information Act (FOIA) requests to the United States Secret Service requesting the following and no such August 3, 2023 letter existed:

> 'Kindly forward (via e-mail) anything and everything regarding, concerning, to do with, related to, etc. any reports, inquiries, etc. [] from Santander Bank, the Smithfield, Rhode Island Police Department, and/or the Rhode Island Attorney General's Office regarding two (2) $100 bills. This includes, but not limited to, any and all tracking information, any and all tests, results, etc. from the Secret Service, etc. regarding the validity of the bills, any and all information, documents, communications, etc. sent to, received by, etc. the United States Secret Service from Santander Bank, the Smithfield, Rhode Island Police Department, the Rhode Island Attorney General's Office, **any and all communications sent to, received by, etc. Santander Bank,**

> **the Smithfield, Rhode Island Police Department, the Rhode Island Attorney General's Office from the United States Secret Service, etc., etc., etc.**' (Emphasis Added)

The Defendant's first FOIA request (#20230784) covered the period July 25, 2023 to August 10, 2023 and the United States Secret Service definitively stated:

> 'The Secret Service FOIA Office searched all Program Offices that were likely to contain potentially responsive records, and no records were located.'

The Defendant's second FOIA request (#20230856) covered the period of August 1, 2023 to August 25, 2023 and the United States Secret Service AGAIN definitively stated:

> 'The Secret Service FOIA Office searched all Program Offices that were likely to contain potentially responsive records, and no records were located.'

Notice both FOIA requests cover the August 3, 2023 time period (the date of the alleged letter). However, the Secret Service had no record of any such document." (No Emphasis Added).

As Petitioner's stated (*see* WC's App.T):

> "...among other things, in forging (counterfeiting) such FEDERAL document, the State effectively impersonated a federal official (a federal felony offense, up to three (3) years in prison (18 U.S.C. 912)), used Federal seals, letterhead, etc. without authorization (a federal felony offense, up to five (5) years in prison (18 U.S.C. 1017, 18 U.S.C. 506)), etc." (No Emphasis Added).

Despite SPD knowing (and admitting) the bills were GENUINE, Prosecution having exculpatory evidence, Prosecution knowing their star witness would provide exculpatory testimony on multiple critical elements of the alleged crime (testimony which Petitioner REMINDED Prosecution a MONTH before Prosecution decided to bring charges), etc., **Prosecution brought charges by submitting a document (letter/"affidavit" dated 8/3/23 allegedly from USSS) which Prosecution knew was criminally forged by the State (without such document, Prosecution would have no case).**

Among others, Superior Court Magistrate John McBurney was informed of (and provided proof of) multiple critical procedural and substantive violations by the State, the most serious including the forged (counterfeited) USSS letter, Prosecution's lack of producing evidence establishing the bills are

counterfeit (the most critical element of the crime fraudulently, etc. charged), Petitioner's illegal arrest, Prosecution's intentional withholding of evidence (including exculpatory evidence), etc.

Despite submitting, among other things, a Motion to Dismiss and Petitioner's motions scheduled to be heard and decided upon for 10/25/23, on 10/25/23, McBurney refused to address Petitioner's motions (including Petitioner's Motion to Dismiss). McBurney instead falsified the record, refused to rule on Petitioner's motions (despite being McBurney's job) and, among other things, claimed Petitioner "passed" (abandoned) his own motions (despite McBurney admitting knowing otherwise) (all reflected in the 10/25/23 transcript (which RIJ was concealing from Petitioner (also documented))). Result: Petitioner's Motions unaddressed (and, thus, unappealable).

Given McBurney's actions, etc., Petitioner was forced to submit a complaint against McBurney to RI's Commission on Judicial Tenure and Discipline ("RICJTD"). Petitioner e-mailed RICJTD on 11/15/23 at 1:28PM (cc'ing McBurney) and RICJTD received the hard copy of Petitioner's complaint on 11/21/23. Just three (3) business days later, on 11/27/23, Petitioner's motions again came for hearing before McBurney and, instead of McBurney recusing himself (given his clearly established bias, etc. against Petitioner (as McBurney established for the record on 10/25/23), RICJTD's open investigation on McBurney (which McBurney stated on the record at

the 11/27/23 hearing he had knowledge of Petitioner's complaint), etc.), McBurney, in retaliation (and further evidencing his bias, etc. against Petitioner), not only denied all of Petitioner's motions (including Motion to Dismiss (discussing, among other things, State's forged (counterfeited) document (which McBurney knew State committed federal felony crimes, etc. by forging) filed to bring the knowingly fraudulent case (without the forged document, there wouldn't be a case (since no crime was committed))), Motion for Exculpatory Evidence, Motion to Compel, etc.), defamed Petitioner, declared completely made up statements that Petitioner NEVER stated, knowingly falsely accused Petitioner of threatening him (a Judge) (despite McBurney himself acknowledging that the supposed "threat" was actually Petitioner's Commission complaint), etc. but McBurney went so far as to claim that "case law" (without declaring what supposed "case law") states that defendants in criminal cases are NOT entitled to exculpatory evidence (a statement in complete contradiction to decades old SCOTUS precedent, etc.), etc.

Petitioner, who wasn't present at the 11/27/23 hearing (since Petitioner's presence wasn't required), waited for McBurney to issue an Order, etc. reflecting McBurney's decisions. McBurney didn't issue any Orders, etc. Petitioner submitted Proposed Orders (attempting to formally document McBurney's Denials of Petitioner's Motions) for McBurney to sign (so Petitioner would have

something to provide on appeal) however, even though the Proposed Orders were accepted for filing by clerk's office (within approximately one hour of submission), McBurney refused to sign the Proposed Orders (trying to ensure Petitioner couldn't appeal (as originally intended)).

Note, McBurney originally tried to keep Petitioner's motions in limbo (e.g. refusing to issue ANY decision on Petitioner's motions (and, therefore, unaddressed and unappealable)) to, among other things, essentially hold Petitioner hostage, and help Prosecution plow through with their fraudulent, etc. case).

Also note, even though clerk's office accepted the Proposed Orders for filing, the Proposed Orders were never entered into the court record (e.g. to reflect Petitioner's efforts). In other words, no outside person would even know Petitioner submitted Proposed Orders because the court record doesn't reflect that Proposed Orders were offered.

On 12/17/23, Petitioner submitted his "Notice of Appeal from Decisions of Magistrate (P2-2023-3243A)" (12/17/23).

On 12/20/23 (McBurney's last day before his two WEEK Christmas, New Years, etc. vacation), as McBurney was leaving, McBurney had four Orders entered into the record all of which merely stated (in full):

> "The above-entitled matter came before this Court on November 27, 2023 on Defendant's Motion [to/for Dismiss/Sanctions/Strike/Compel]. After review of the filing and the case law, the Defendant's Motion [to/for Dismiss/Sanctions/Strike/Compel] is denied."

Notice McBurney merely states "case law" but doesn't actually state what supposed "case law" he's consulting, referencing, etc. Why? **Because McBurney knows there's no case law or ANYTHING that would support his blatantly unconstitutional decisions.**

Despite R.I.Sup.Ct.Art.IX (titled "**REVIEW OF ORDERS AND JUDGMENTS OF GENERAL MAGISTRATES**" (No Emphasis Added)) Rule 2 mandating that Petitioner's Magistrate Appeal be addressed within 48 hours of filing for appeal, Petitioner's Appeal remained unaddressed and in limbo.

On 1/10/24, with Petitioner's appeal (12/17/23) STILL not having been addressed, Petitioner submitted an Addendum to his Notice of Appeal. The clerk's office refused to file the Addendum. Further, despite Petitioner e-mailing clerk's office about the issue, to date, clerk's office refuses to respond to Petitioner and refuses to file the Addendum.

Petitioner's Magistrate Appeal remained in limbo for MONTHS.

Suddenly, on 4/16/24, a notation was added to Petitioner's case court docket. The notation stated ONLY: "Miscellaneous Case Notes".

No link was provided online (the RIJ Public Portal) (unlike other case documents (e.g. McBurney's Orders) which were accessible via a PDF link on the Portal), no information was provided, no name as to who issued, inserted, etc. that notation was provided, no information as to what those "Case Notes" were in reference to, etc. NOTHING was provided other than literally those THREE (3) WORDS. Further, among other things, not only didn't Petitioner receive anything regarding the notation, Petitioner didn't even receive notice about the existence of the notation.

Only on 5/6/24, after Linda Rekas Sloan ("RS") had Petitioner illegally arrested for not appearing at a Pre-Trial Conference ("PTC") scheduled for 3/6/24 (at which, per court rules, Petitioner is NOT required to appear) (which RS later admitted wasn't an arrestable offense) and after Petitioner had been jailed for four (4) days (and didn't have food or water for four DAYS, was strip searched TWICE (even down to Petitioner's anus (and one strip search occurred in front a minimum of a dozen, if not TWO (2) DOZEN, people)), was sleep deprived for three days, was shackled by his hands and feet and perp-

walked through the Courthouse, ETC.) because of RS's illegal arrest warrant, RS orally informed Petitioner of the 4/16/24 notation (and only because Petitioner questioned about things like the status of his request for stay). RS notified Petitioner (while Petitioner was still shackled by his hands and feet):

> "I do see the last entry in this case, on April 16th, the Magistrate's Appeal was dismissed because you did not follow protocol. You were supposed to order a transcript, that did not happen in the time that's allowed under the rules, so your appeal was dismissed."

Unlike the "**NOTICE OF APPEAL**" (No Emphasis Added) Form used to appeal to RISC, the "**NOTICE OF APPEAL FROM DECISION OF MAGISTRATE**" (No Emphasis Added) Form doesn't state anywhere that a transcript is needed. Further, **NOWHERE** in the Article IX (R.I.Sup.Ct.Art.IX) Rules (which is only one (1) page long, consisting of only six (6) sentences (spread across five (5) rules)) **DOES IT STATE A TRANSCRIPT IS NEEDED**. Further, contrary to RS's blatantly made-up statement, since the rules, etc. don't call for a transcript, there's no deadline Petitioner missed to order the transcript. ETC. Petitioner's appeal of McBurney's Orders was dismissed in violation of court rules, Petitioner's rights, etc.

Petitioner timely filed a Notice of Appeal to RISC on 5/28/24 regarding the lower court's ("LC") knowingly improper dismissal of Petitioner's Magistrate Appeal.

In that same 5/28/24 Notice of Appeal, Petitioner also appealed RS's 5/6/24 order, ordering Petitioner to appear at all PTCs or be arrested. RI Superior Court Rules of Criminal Procedure don't require Petitioner to appear at PTCs. *See* Super.R.Crim.P. Rule 43. In fact, the rules specifically identify the particular points a defendant must appear (arraignment, trial, and imposition of sentence) and PTCs aren't among those specifically identified. *See* Super.R.Crim.P. Rule 43. Further, as **RS was aware, Petitioner's case was in the appellate process (from LC and heading to RISC (which RS had been advised Petitioner would seek (including to SCOTUS if needed)))** thus **MOOTING ANY AND ALL PTCS (given that the fraudulent, etc. case against Petitioner would be dismissed).** Further, per Courtroom 4 Protocols (RS's courtroom), parties can request a postponement of PTCs via e-mail, can request PTCs be conducted remotely, etc. Petitioner's documented requests for postponement, remote conference, etc. are routinely ignored (not denied, simply ignored). Further, since January 2024, Petitioner's repeatedly informed RS (via court submissions to her (and her clerk), e-mails to her (and her clerk), and in-court statements): This case is on appeal. ALL DOCUMENTED.

Among other things, RS's abusive order unconstitutionally infringes upon Petitioner's Liberty, etc.

As RS's declared:

> "We do pre-trial conferences **JUST** to figure out whether there is going to be a plea or whether we're going to go to a trial." (Emphasis Added).

Petitioner's repeatedly informed RS (via Court submissions to her (and her clerk), e-mails to her (and her clerk), and in-court statements) Prosecution refuses to respond to Petitioner's e-mails (Prosecution's refused to respond to Petitioner's e-mails since 8/4/23 (TWO YEARS AGO)).

To attempt to corruptly protect Prosecution, legitimize her corrupt order, etc., on 5/6/24 (the day her corrupt order was issued) and 6/6/24, RS falsely claimed (on their behalf) that RI AG doesn't use e-mail to communicate with the opposing party (despite it being normal practice (and as had been occurring between Petitioner and RI AG prior to 8/4/23)) and effectively implied that RI AG only communicates via in-person off-record conferences. However, on 6/6/24, for another case (which Petitioner witnessed), heard immediately after Petitioner's and within minutes of RS's false claim, defendant in that case (represented by his attorney) demanded prosecution's communications be

documented BY E-MAIL and **PROSEUCTION IN THAT CASE (Criminal Justice "Hall-of-Famer" and 39-year member of AG's Office) AGREED WITHOUT OBJECTION, ETC. TO COMMUNICATE VIA E-MAIL.** Defense, in that case, also requested, and RI AG agreed, to reschedule their PTC for three (3) MONTHS in the future, during which time, RI AG would communicate with Defense via e-mail. Yet, for Petitioner, Prosecution refuses to communicate with Petitioner via documented means (e.g. e-mail, etc.), RS constantly forced (under threat of arrest) Petitioner to appear in court in-person for continuous PTCs (only for Petitioner to repeat: this case is on appeal), etc.

Petitioner's repeatedly advised RS (via Court submissions to her (and her clerk), e-mails to her (and her clerk), etc.) of Petitioner's appeal/intentions to further appeal (all the way to SCOTUS if needed) matters which would result in full case dismissal. **Why would RS order Petitioner to appear (under illegal threat of arrest) at CONTINUOUS PTCs to allegedly discuss a plea deal/set a trial date if RS's been repeatedly advised since January 2024 that the case's entire legitimacy is being appealed?**

As was later demonstrated, **RS's illogical, etc. ordering of Petitioner's FORCED (under threat of arrest) appearance was to ENSURE PROSECUTION, RIJ, ETC. COULD HAVE ONGOING OPPORTUNITIES TO ATTEMPT TO**

SET-UP, ETC. PETITIONER AND ENSURE NOT ONLY PETITIONER'S APPEALS ARE DERAILED, ETC. BUT PETITIONER'S ENDED. As Petitioner's already documented, attempts occurred at the 6/6/24 PTC (the FIRST FORCED PTC after RS's illegal order), 7/3/24 PTC (Petitioner's last court appearance). *See* WC's App.S-U for more.

To further evidence the farce of these PTCs (which are actually opportunities for setting-up, etc. Petitioner), **during the 7/3/24 PTC, while Petitioner was speaking, one of the police officers interjected to ORDER Petitioner not to speak to Perrotta (Prosecution).** Not only does the police officer have NO authority to order Petitioner as to who he can or cannot speak to while in court but, as the police officer was aware, Petitioner was CURRENTLY in the middle of a Pre-Trial CONFERENCE (which is a CONFERENCE between Petitioner AND Perrotta (by definition, allegedly a time for the parties to converse)). Setting aside things like the police officer trying to intimidate, etc. Petitioner, **WHY SUCH EFFORTS TO PROTECT PERROTTA?** Keep in mind, during the 7/3/24 PTC, Petitioner brought up and was confronting Perrotta about the USSS letter being a forgery (a counterfeit) by the State. This officer knew the session was being recorded yet still proceeded to give an order he has no power to give. **IMAGINE WHAT THEY'RE CAPABLE OF WITH NO RECORDINGS, ETC.**

In case the malicious purposes, etc. of the farce PTCs weren't already clear, as briefly discussed below, when a new judge (David Cruise) came onboard (not because RS was removed, Cruise became assigned to the case), despite Petitioner having ALREADY informed Cruise (via Court submission to him (and his clerk) and e-mail to him and his clerk) of Petitioner's ONGOING appeals (regarding the case's entire legitimacy, etc.), that effectively any scheduling of PTC would be attempts to coerce, intimidate, etc. Petitioner into relinquishing his rights, etc., **Cruise ordered Petitioner to appear (under illegal threat of arrest) at a PTC to allegedly discuss a plea deal/set a trial date.** Moreover, when Petitioner attempted to REMIND Cruise that his actions, etc. were illogical, etc. (as well as informed Cruise of: Petitioner's pending SCOTUS Emergency Application for Stay (24A902) (3/18/25) ("EAS"); Petitioner's pending SCOTUS Writ of Habeas Corpus Petition (24-1000) (12/20/24) ("HC") (a petition seeking RIJ's complete removal from this matter and asking SCOTUS to ultimately dismiss Prosecution's knowingly fraudulent, etc. case) (which SCOTUS would be conferencing (deciding) on in just THREE DAYS); Petitioner's TWO forthcoming SCOTUS appeals; **Petitioner's properly submitted request that the PTC be conducted remotely (as allowed by court protocol)**; etc.), Cruise went ahead and swiftly issued a warrant for Petitioner's arrest. ETC.

Regarding Petitioner's RISC appeals, in addition to efforts by multiple court stenographers (thus evidencing RIJ coordination) to withhold production of appellate transcripts (which had been paid for in full by Petitioner and were completed) (which if the transcripts weren't submitted with Petitioner's RISC appeal would result in dismissal of Petitioner's appeal), LC clerk intentionally making procedurally mandated deadlines lapse (which, if not met, would result in dismissal of Petitioner's appeal), LC clerk submitting knowingly false information into Petitioner's appeal record (in an effort to make it falsely appear as though Petitioner didn't comply with procedure (which would result in dismissal of Petitioner's appeal)), etc. (see a theme?), RISC's clerk attempted to improperly reject Petitioner's court filing (which would, you guessed it, result in dismissal of Petitioner's appeal).

For some more background information *see* Petitioner's SCOTUS HC, WC, EAS and all documents in those cases as well as Petitioner's "Declaration" (24-1000) (3/18/25) ("DC"), Writ of Mandamus Petition (3/30/25), Emergency Supplemental Brief (24A902) (4/12/25) ("ESB"), Petition for Writ of Certiorari (8/4/25) (all of which Petitioner incorporates by reference).

REASONS FOR GRANTING PETITION

1. RIJ's Intentionally Defying SCOTUS's Binding Case-Law For Malicious Unconstitutional Purposes

Abney explicitly states:

> "...**[ANY] claims ARE appealable if, and only if, they TOO fall within *Cohen's* collateral-order exception to the final-judgment rule**." *Abney v. United States*, 431 U.S. 651, 663 (1977) (Emphasis Added).

Instead, just THREE YEARS after *Abney*, and for HALF CENTURY, RISC's falsely declared SCOTUS says NOTHING's appealable unless it's a double jeopardy claim:

> "...*Abney v. United States*, [431 U.S. 651 (1977)]...allows an appeal from other than a final judgment **SOLELY** on double jeopardy grounds.'" *State v. Berberian*, 411 A.2d 308, 312 (R.I. 1980) (Emphasis Added Only to "solely").

RISC's actions aren't misinterpretations, misapplications, etc. of SCOTUS's decision. RISC's outright defying SCOTUS while, amazingly, blatantly lying that it's following SCOTUS. RISC's *Berberian* decision's so definitive ("...solely...") that, unless the reader goes and read the *Abney* case for themselves, the reader's led to believe that that MUST be what SCOTUS said because how could RISC lie that brazenly. Also note, *Berberian* was UNANIMOUSLY decided (all five justices agreed). How could ALL RI justices (and future justices spanning nearly HALF A CENTURY (since the case

has apparently been repeatedly cited and never overturned)) come to the same outrageously incorrect conclusion?

Among other things, **as RIJ's demonstrated, RIJ REFUSES TO ACKNOWLEDGE *ABNEY*'S SCOPE TO EXERT UNCONSTITUTIONAL POWER IT WOULDN'T OTHERWISE HAVE OVER DEFENDANTS.**

Example, **when defendants (especially *pro se* defendants (like Petitioner)) face up to 20 years in prison for a non-existent crime** (e.g. State criminally forged (counterfeited) "evidence" (State committed federal felony crimes (as demonstratively established by USSS)), Police destroyed key exculpatory evidence (as proven by existing evidence), Prosecution withholding exculpatory evidence, Prosecution suborned perjury, Prosecution openly refused, in violation of Petitioner's Sixth Amendment, etc. rights, to allow Petitioner to cross-examine the alleged "evidence," key witnesses, etc.) **and RISC declares things which fit within SCOTUS's collateral-order exception aren't appealable, RIJ and Prosecution are able to attempt to exert undue influence, use unconstitutional coercive tactics, etc. to secure a plea (which they wouldn't otherwise obtain) from someone they KNOW is innocent for a crime that doesn't exist. Such corrupt tactics (and worse) have ALREADY been used against Petitioner by RIJ and Prosecution (as**

demonstrated from LC record). For example, setting aside (for the moment) the documented attempted set-ups, at Petitioner's 7/3/24 PTC (which Petitioner was forced, under threat of arrest, to attend) (which also was just four business days after RISC UNCONSTITUTIONALLY, ETC. disbarred Petitioner in, as RISC admitted in its order, retaliation of Petitioner exposing RIJ's corruption, etc.), WHEN PETITIONER DIDN'T BEND TO RIJ'S AND PROSECUTION'S COERCION (OF BEING FORCED TO PLEA), PROSECUTION QUICKLY ORDERED THE JUDGE (WHO DUTIFULLY SWIFTLY COMPLIED DESPITE BEING IN VIOLATION OF COURT RULES, RI LAW, DUE PROCESS, ETC.) TO MODIFY PETITIONER'S BAIL AND SET IN MOTION THE PROCESS TO LOCK-UP PETITIONER IN A PSYCH WARD FOR 13.33 YEARS. *See* WC's App.U for more.

In 1940, U.S. Attorney General Robert Jackson (who became SCOTUS Justice in 1941) said:

> "The prosecutor has more control over life, liberty, and reputation than any other person in America. His discretion is tremendous. He can have citizens investigated and, if he is that kind of person, he can have this done to the tune of public statements and veiled or unveiled intimidations...The prosecutor can order arrests...and on the basis of his one-

sided presentation of the facts, can cause the citizen to be indicted and held for trial... While the prosecutor at his best is one of the most beneficent forces in our society, when he acts from malice or other base motives, he is one of the worst."

"If the prosecutor is obliged to choose his cases, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: that he will pick people that he thinks he should get, rather than pick cases that need to be prosecuted. With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work, to pin some offense on him. It is in this realm—in which the prosecutor picks some person whom he dislikes...and then looks for an offense, that the greatest danger of abuse of prosecuting power lies. It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group..."

RI's openly referred to as a "relationship rich," "I know a guy," etc. State.

As Petitioner's stated, prior to SPD's illegal arrest, Petitioner's family had lawsuits lined up against FM Global (a nearly 200-year-old (per FM's website) multi-billion-dollar RI-based international insurance company), entities contracted with, controlled by, etc. FM, etc., etc., etc. Note, SPD tried, without basis and by falsifying information, to have Petitioner's home raided.

RIAG's demonstrated its striking difference of treatment toward Petitioner versus FM.

Example: Petitioner's mom provided RI AG Neronha (directly) (via e-mail) proof of FM's embezzlements, etc. against her. RIAG's Office (who directly received this proof) has done nothing. To date, RIAG refuses to even open a file on FM. **Yet, the State committed federal felony crimes to forge (A.K.A. counterfeit) a document in order to fraudulently, etc. prosecute Petitioner.**

Another Example: Katherine Connolly Sadeck (Attorney for and employee of AG's Office) has been involved in RIAG's Office's falsification of documentation to cover-up violations of R.I. law by the Narragansett Police Department against Petitioner's family, criminal conduct (including the planned break-in into Petitioner's home (which rooted to FM)), etc. Again note, SPD tried, without

basis and by falsifying information, to have Petitioner's home raided.

2. Petitioner's RISC Appeals Fit Within SCOTUS's Collateral-Order Exception

SCOTUS's collateral-order exception test reviews whether:

> 1. The decision conclusively addresses the issue
>
> 2. The issue's entirely separable from case's final judgement
>
> 3. The decision's effectively unappealable after final judgment

Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949).

At issue are Petitioner's RISC appeals of: (a) LC's dismissal of Petitioner's Magistrate Appeal and (b) RS's injunctive order. Applying *Cohen* to:

> -Petitioner's Magistrate Appeal:
>
> > 1) The unidentified RIJ individual conclusively denied Petitioner's right (guaranteed by R.I.Sup.Ct.Art.IX) to appeal Magistrate Decisions by

- dismissing Petitioner's appeal based on knowingly false grounds

2) RIJ's corrupt dismissal of Petitioner's LC appeal violated, among other things, Petitioner's fundamental right to Due Process and Equal Protection (e.g. RIJ rules GUARANTEED Petitioner the ability to appeal Magistrate Decisions only for RIJ to corruptly deny Petitioner such right). Further, the corrupt denial of Petitioner's right to appeal (again, GUARANTEED to Petitioner (regardless of appeal's subject matter, etc.)) is entirely separable from the underlying case matter (the innocence of Petitioner of Prosecution's fraudulent, etc. charges).

- 3) The decision's effectively unappealable upon final judgement since Petitioner's acquittal would end case (thus nothing to appeal) or appeal of any adverse finding against Petitioner would revolve around admissibility issues, etc. and wouldn't address the unconstitutional denial of Petitioner's right to appeal Magistrate Decisions; which would be rendered moot

-RS's Injunctive Order:

1) RS's order conclusively ordered Petitioner to appear (under illegal threat of arrest) at PTCs (despite court rules not requiring such, despite RS being fully aware (as documented in the court record) Petitioner's case was in the appellate process (where Petitioner was seeking dismissal (which would moot any further proceedings) of Prosecution's fraudulent, etc. case given Prosecution's submission of a knowingly prima facie (and proven (as also documented in the court record (which RS's aware))) forged (counterfeited) (by the State) letter/"affidavit" dated 8/3/23 in order to open their fraudulent, etc. case), despite RS stating the alleged purpose of PTCs is to discuss a plea deal/set a trial date (which Petitioner CANNOT be forced to decide especially when RS knows of Petitioner's appeal(s) (which court rules, etc. GUARANTEE Petitioner the right to appeal) regarding dismissal of the entire case (which moots all matters), etc.)

2) RS's illogical order unconstitutionally restricts Petitioner's Liberty (one of Petitioner's most fundamental rights) and, as demonstrated since the order, effectively forces Petitioner to be held prisoner in a set time and location for

Petitioner to be at the whim of whoever wants to set him up (as exhibited above (e.g. without RS's 5/6/24 order, there wouldn't have been any 7/3/24 order, 6/6/24 attempted set-up, etc.)). Further, RS's order's entirely separable from the underlying case matter (the innocence of Petitioner of Prosecution's fraudulent, etc. charges)

3) The decision's effectively unappealable upon final judgement since, to get to final judgment, Petitioner would have to comply with RS's order. Therefore, it'll have achieved its purposes and no future appeal would undo the successful completion of RS's order's intended purposes

3. RISC's Decision Unconstitutionally Strips Petitioner of Multiple Due Process, Equal Protection, Etc. Guarantees

Not only does RISC's intentional refusal to comply with SCOTUS's binding case-law itself unconstitutionally strip Petitioner of Due Process, Equal Protection, etc. guarantees, RISC's decision's completely contradictory to even RI Law and RIJ rules and further strips Petitioner's rights.

R.I.Sup.Ct.Art.IX Rules guarantee Petitioner's right to appeal Magistrate Decisions. Instead, a STILL

unidentified individual shut down Petitioner's LC appeal based on blatantly made-up reasoning. RISC's aiding and abetting of that corrupt conduct ensured Petitioner's Due Process, Equal Protection, etc. rights were stripped without ANY appellate recourse (in violation of court rules).

RI Law guarantees Petitioner's right to appeal injunctive orders (like RS's order). Though R.I.G.L. §9-24-1 begins by stating parties aggrieved by a "final judgment, decree, or order of the superior court" may appeal to RISC, R.I.G.L. §9-24-7 (labeled "Appeals from interlocutory orders and judgments") (which directly follows 9-24-1 (RI's Congress repealed Sections 9-24-2 through 9-24-6)) clarifies:

> "Whenever...an injunction shall be granted...by an interlocutory order or judgment...an appeal may be taken from such order or judgment to the supreme court in like manner as from a final judgment..."

RI Law CODIFIES Petitioner's entitlement to appeal interlocutory injunctive orders. In addition to SCOTUS's binding precedent, Petitioner repeatedly pointed out the above to RISC prior to RISC's decisions (*see* e.g. App.C). Yet, despite RI Law, Petitioner doing RISC's job, etc., RISC STILL granted Prosecution's motion fraudulently, etc. claiming ONLY double jeopardy claims may be appealed interlocutorily.

4. SCOTUS Has History Demonstrating Its Non-Tolerance of (and Repeated Intervention to Address) Lower Court Defiance

SCOTUS has granted certiorari to deal with lower courts defying SCOTUS's binding precedent, etc. In fact, in situations where defiance is so in-your-face, SCOTUS has repeatedly taken the SAME case to ensure the law's followed, the lower court's forced into compliance, etc. (*see e.g. NAACP v. Alabama ex rel. Flowers*, 377 U.S. 288 (1964)). In *NAACP v. Alabama ex rel. Flowers*, SCOTUS kept instructing the lower court about the appropriate law to use. Instead, they kept intentionally playing dumb, etc. Given their repeated defiance, SCOTUS "...decid[ed] the case on its merits, rather than remanding it to the State Supreme Court for that purpose." *Id.* at 302.

Here, RISC's refusing to abide by SCOTUS's clear instructions (which affect EVERY RI defendant). SCOTUS must similarly act.

CONCLUSION

In the show "Suits," to force a partner of the law firm to leave the firm and effectively accept a settlement, an associate holds up and tosses onto the table in front of the partner what he claims is a signed affidavit declaring incriminating information on the partner. The associate quickly looks to his superior and shakes his head "No" (indicating it's a bluff).

The "Suits" scene was merely for a civil dispute where the partner HAD done improper things and the firm BLUFFED about a signed affidavit. Here, a criminal matter (where State's seeking up to 20 years in prison (with mandatory minimum of FOUR YEARS in prison) against Petitioner), **the STATE committed multiple federal felony crimes, etc. (proven different ways) to FORGE (COUNTERFEIT) a document to bring fraudulent charges against a KNOWINGLY INNOCENT PERSON for a crime that NEVER OCCURRED.**

Moreover, RIJ (who's supposed to be, effectively, the watchdog over such illegal, etc. tactics, etc.) has been repeatedly advised (with evidence) by Petitioner and fully aware of State's crimes, etc. yet continues to aid and abet, etc. Prosecution. Among other things, RIJ's pretended Petitioner's appeals, filings, etc. don't exist, repeatedly attempted to sabotage Petitioner's appeals, corruptly, etc. shut down Petitioner's appeals in defiance of SCOTUS's binding case law, etc.

RIJ's even illegally issued arrest warrants to, among other things, coerce, etc. Petitioner into pleaing. Such efforts have been recorded. For example, as Petitioner's already exposed A YEAR AGO and mentioned in HC, **TO COERCE PETITIONER (WHO WAS SHACKLED (HANDS AND FEET)), JUDGE (RS) LIED THAT PETITIONER WAS OUT OF OPTIONS AND HAD NO CHOICE BUT**

TO PLEA OR FACE UP TO 20 YEARS IN PRISON. RS KNEW Petitioner had multiple options still available (e.g. appealing to RISC (and SCOTUS), Habeas Petition, etc.), KNEW Prosecution had ADMITTED they were withholding exculpatory evidence, etc. yet lied to assist Prosecution, etc. in coercing Petitioner to plea. On 4/14/25, ANOTHER JUDGE issued a fraudulent, etc. bench warrant for Petitioner's arrest to, among other things, AGAIN have Petitioner shackled (hands and feet) to coerce Petitioner to plea.

As Petitioner's stated, this case wasn't meant to go to trial. Prosecution's, RIJ's, etc. continued actions keep reinforcing it:

> -when Petitioner didn't bend to coercive, etc. tactics, etc., RISC stripped Petitioner's bar and expressly stated it did so for Petitioner exposing corruption
>
> -four business days after RISC stripped Petitioner's bar, when Petitioner continued to not bend to coercive, etc. tactics, etc., Prosecution instructed RIJ, on July 3rd, to set in motion (without evidence, etc.) the process to lock-up Petitioner in a psych ward for 13.33 years (which bypasses a trial on the alleged crime) (which RIJ dutifully complied)
>
> -ETC.

Since 10/19/23, judges have been repeatedly advised (with proof) by Petitioner of State's forged (counterfeited) document.

Despite RISC's corruption having already been repeatedly displayed via documented court actions, Petitioner tried to seek appeal to RISC (a right Petitioner was supposed to be guaranteed by SCOTUS binding precedent, RI Law, etc.). Further demonstrating Petitioner cannot obtain a fair process, fair appellate review, etc. (as guaranteed by law, the Constitution, etc.), in defiance of SCOTUS, etc., on 1/30/25 RISC dismissed BOTH of Petitioner's appeals (including one appeal which hadn't technically begun (as RISC's order acknowledged) (Petitioner had until 2/14/25 to file his Case Prebriefing Statement (discussing what the appeal's about))) claiming LC can do ANYTHING (literally ***ANYTHING***) it wants (e.g. bypass any jury trial without Petitioner's consent, lock Petitioner in a psych ward without any evidence, etc., arrest Petitioner any time and for any reason, make-up reasons to administratively close Petitioner's proper appeal (without ever dealing with the appeal's merits), etc.), and Petitioner can only appeal if the issue has to do with Double Jeopardy. SCOTUS's binding precedent (*Abney v. United States*, 431 U.S. 651 (1977)), established HALF A CENTURY ago, made clear ***ANYTHING'S APPEALABLE*** if it fits within the collateral-order exception to the final-judgment rule (as do Petitioner's RISC appeals). **IF RISC ACKNOWLEDGED SCOTUS'S BINDING**

INSTRUCTIONS, RISC WOULD BE FORCED TO ADDRESS, AMONG OTHER THINGS, STATE'S CRIMINALLY FORGED (COUNTERFEITED) DOCUMENT (THE ELEPHANT IN THE ROOM THAT NO JUDGE HAS WANTED TO ADDRESS).

RIJ effectively stated it can use the U.S. Constitution, Bill of Rights, etc. as toilet paper and there's nothing Petitioner can do about it.

As Petitioner's HC briefly addressed, the U.S. District Court's similarly useless given conflicts of interest, etc.

RIJ's, etc. been desperately creating ways to ensure they can continue to trap Petitioner in their corrupt, etc. system to get to their goals.

Petitioner sought assistance from SCOTUS. Instead, practically EVERY FILING PETITIONER'S SUBMITTED TO SCOTUS HAS GONE MISSING WHILE IN SCOTUS'S POSSESSION, BEEN IMPROPERLY REJECTED/RETURNED BY CLERKS, AND/OR ATTEMPTS WERE MADE TO ENSURE SCOTUS NEVER TOOK POSSESSION OF THE FILING TO BEGIN WITH. *See* below and DC (which has neither been docketed nor returned) for more.

Perhaps one of the most mind-blowing examples of such tactics was what Petitioner was **put through,**

FOR WEEKS, just to have Clerk file (as Court rules REQUIRE) a simple one-page (single-sided) letter (3/21/25) (letter required by SCOTUS rules), addressed to "Clerk of Court" (as required by Rule 22.4), consisting of only the following two (2) sentences:

> "Pursuant to Rule 22.4, Petitioner Michael Prete respectfully renews his [EAS] previously addressed to Justice Jackson, and requests that the renewed application be directed to Justice Alito.
>
> Enclosed hereto are 10 copies of the original March 18, 2025 Application."

EAS was regarding, AMONG OTHER THINGS, a hearing scheduled for 3/25/25. After TWO AND A HALF WEEKS, FOUR (4) filings (including a Petition for Writ of Mandamus (3/30/25) asking SCOTUS to instruct its Clerks to docket Petitioner's letter), and multiple e-mails (on which included Chief Justice Roberts, SCOTUS's U.S. Marshall, Deputy Police Chief, etc.), on 4/9/25 at approximately 11AM, Clerk posted only:

> "Application (24A902) refiled and submitted to Justice Alito."

In the process, Petitioner also dealt with FedEx attempting to sabotage Petitioner's filings (e.g.

cancelling pickup, intentionally and repeatedly delaying delivery, falsifying records, etc.). *See* ESB.

RIJ, etc. didn't expect Petitioner to file a Habeas Petition (12/20/24). However, RIJ's, etc. concerns were put at bay when Petitioner's HC mysteriously disappeared while in SCOTUS's possession. Because Petitioner involved SCOTUS's Justices, Clerk miraculously discovered HC but, instead of docketing it, Clerk Redmond Barnes intentionally (as demonstrated by Petitioner (*see* DC)) rejected HC on knowingly false grounds. Hadn't Petitioner involved SCOTUS's Justices, HC would still remain M.I.A.

Shortly after Clerk's miraculous discovery and simultaneous rejection of HC, RIJ ramped up the speed against Petitioner. After all, as Petitioner's resubmission of HC (and its subsequent docketing) demonstrated, though HC was rejected, Petitioner can always resubmit and address how Petitioner's filing is proper. RIJ's rush was so obvious that RISC issued an order disallowing Petitioner from even being able to file a request for stay pending appeal to SCOTUS. As RISC was aware, had Petitioner filed such request, RISC would conference on the request, Petitioner could submit (as allowed) a request for reconsideration, etc. All of that takes time; time RIJ couldn't afford since HC was back in the picture.

HC was docketed on 3/20/25. On 3/26/25, HC was scheduled for SCOTUS conference for 4/17/25. That same day (3/26/25), RIJ scheduled Petitioner for a

frivolous hearing (under threat of arrest) for 4/14/25. SCOTUS can provide reasoning for scheduling its conference during Holy Week (SCOTUS provides a case distribution schedule showing, in advance, when things will be distributed for conference). What was RIJ's RUSH to schedule Petitioner for a frivolous hearing (under threat of arrest), during Holy Week, effectively HOURS before SCOTUS would decide upon HC, etc.? Note, RIJ's repeatedly provided Petitioner one MONTH before PTCs occur.

Petitioner attempted to appeal the judge's threat of arrest order. As RIJ knew, per RISC rules, immediately upon docketing Petitioner's appeal at RISC, the judge's order would no longer become enforceable because the appeal removes jurisdiction. Knowing that docketing the appeal would effectively stay the order's enforcement and given that Petitioner had filed all necessary paperwork to perfect the appeal and was only waiting on the lower court clerk ("LCC") to electronically transmit the record (which was already in electronic format, ready to be sent at a click-of-a-button, and which, per court rules, Petitioner cannot transmit himself (Petitioner has to depend on LCC)), LCC waited until 4PM on the Friday before the Monday, 10:30AM hearing to e-mail Petitioner stating he would NOT transmit the record because IN LCC's VIEW (which, per court rules, LCC has no say in the matter) the judge's order wasn't appealable. Note, it didn't matter that RISC's court rules ORDERED LCC to transmit the record (*see* R.I.Sup.Ct.Art.III, Rule 11(b)), etc., under

no circumstances would Petitioner's RISC appeal be docketed.

While LCC was preventing a stay, SCOTUS's Clerks were preventing SCOTUS from issuing an administrative stay while it considered Petitioner's EAS. Given new intervening case circumstances, Petitioner submitted a Supplemental Brief (24A902) (4/5/25) ("SB"). However, on 4/9/25, Emergency Applications Clerk Robert Meek rejected SB claiming: "Supplemental briefs are not permitted in renewed applications." No rule, etc. was provided justifying such statement. Why? Setting aside the statement's absurdity (e.g. according to Meek, Petitioner isn't allowed to inform SCOTUS of new case developments, etc.), as Meek knows, that's a LIE. For example, in Case No.23A230, attorney Paloma Capanna (member of SCOTUS's bar) submitted TO MEEK (**addressed specifically "To Clerk Mr. Robert Meek"**) a "second supplemental brief" (as declared in Capanna's document) for a RENEWED application and MEEK ACCEPTED AND FILED IT. That case's docket shows:

> "Sep 12 2023 Application (23A230) refiled and submitted to Justice Thomas.
>
> Sep 15 2023 Second supplemental [brief]...submitted."

Why would Meek brazenly LIE (like Clerk Redmond Barnes brazenly lied in order to reject Petitioner's

properly filed HC (as since effectively admitted given its docketing upon Petitioner's resubmission))?

Note, Meek's rejection letter dated 4/9/25 (and returned SB) was delivered on Friday afternoon, 4/11/25. Recall, LCC waited until 4PM Friday, 4/11/25 to e-mail Petitioner stating he wouldn't allow Petitioner's appeal of judge's Monday, 4/14/25 10:30AM order.

Petitioner swiftly submitted ESB (which was ready for FedEx pickup at 12PM (noon)) addressing Meek's LIE, only to discover Meek took-off the entire week of 4/14/25. Moreover, despite Petitioner e-mailing Kyle Ratliff (Meek's designee), ESB (delivered 4/14/25 at 9:06AM, signed by "W.Lee") wasn't docketed/returned.

Petitioner's shipped additional copies of ESB (e.g. delivered 4/22/25 at 3:03PM (signed by "S.ROBINSON"), 4/24/25 at 10:30AM (signed by "W.Lee"), 4/28/25 at 9:02AM (signed by "W.Lee"), 4/29/25 at 9:24AM (signed by "L.Johnson")) (each box marked "EMERGENCY").

Two weeks after the original ESB (delivered 4/14/25 at 9:06AM, box labeled "EMERGENCY"), Petitioner received it (SCOTUS stamped received 4/15/25) back with a rejection letter from Ratliff dated 4/22/25. Ratliff's rejection was word-for-word like Meek's. Again, no rule, etc. justifying rejection. Why didn't Ratliff issue his rejection letter anytime between

4/15/25-4/18/25? Moreover, per Meek's out-of-office e-mail, Meek was back in beginning 4/22/25 (the date of rejection letter) therefore why didn't Meek issue the rejection letter? Because Meek was caught lying (as ESB demonstrated), Meek used Ratliff to continue corruptly, etc. blocking ESB.

SCOTUS Clerks' sabotage continue. E.G.:

> Meek's rejection letter dated Friday, 4/25/25 (shipping label created 4/28/25 at 12:31PM, delivered 4/30/25 (per tracking information)) states:
>
> > "Your application supplemental brief received April 24, 2025 is herewith returned for the following reason(s):
> >
> > > For reasons stated in the Court's previous letters. The exception you cite, 23A230, that supplemental 'information' was not accepted for filing. However, because it was e-filed by an attorney, it remains on the docket in a submitted status."

According to Meek, because of "...e-fil[ing]..." it just happens the supplemental brief in Case #23A230 appears on the docket and, according to what Meek attempts to imply, because of how the system's set up they can't remove it.

According to SCOTUS's Electronic Filing Guidelines ("EFG") (issued pursuant to SCOTUS Rule 29.7) Section 10(b):

> "If a document is not accepted for filing, the docket entry will reflect that it is 'Not Accepted for Filing,' and an electronic version of the document will no longer be accessible."

Note, EFG's publicly available on SCOTUS's website.

According to Meek, Case #23A230 supplemental brief "...was not accepted for filing." Why then doesn't "Not Accepted for Filing" appear (as SCOTUS rule instructs) on the docket? Moreover, why's the document STILL (NEARLY TWO YEARS LATER) accessible (violating SCOTUS rule)?

Meek's 4/25/25 rejection letter states "The exception [Petitioner] cite[s]..." As Meek's aware, there are other examples. EXAMPLE, **in Case #16A917**, on 3/30/17, **a renewal request was made of a denied application and**, on 4/10/17, **a "Supplemental brief of applicant Derrick B. Tartt [was] filed."** Unlike Meek's fraudulent attempt to hide behind e-filing, **Tartt was a PRO SE litigant (who can't e-file). Thus, ANOTHER example of a supplemental brief**

submitted AND ACCEPTED AFTER AN APPLICATION RENEWAL.

Among the various issues, SCOTUS conferenced on EAS on Friday, 5/2/25 and, because of Clerks, Justices didn't have critical new intervening case information.

See App.F for more.

Note, a MONTH after claiming filings couldn't be removed from SCOTUS's docket, Clerk's Office ("CO") inexplicably removed Petitioner's HC (Case #24-1000's originating document) from SCOTUS's docket record. Not only is the PDF file link to HC gone, the entire docket entry for it has been deleted. The same CO who, attempting to justify the double-standard being applied to Petitioner versus other SCOTUS litigants, effectively claimed SCOTUS's system prevented them from removing docket entries, somehow, for Petitioner's case, found the ability to delete a PROPER entry (entered OVER TWO MONTHS earlier). *See* App.G for more.

Despite CO being advised of the deletion and, on 6/16/25, adding an entry to the docket (regarding denial of Petitioner's HC Rehearing), to date, CO hasn't restored the entry.

Petitioner's even dealt with attempted break-in into Petitioner's home (which occurred as Petitioner was preparing his HC (Petitioner advised Prosecution,

etc. of his forthcoming HC in his WC), Google randomly stopping Petitioner's e-mail, Petitioner's home-internet going dead (even Petitioner's internet-provider not knowing why), etc.

Petitioner needs to be stopped by any means necessary.

As HC addressed:

> -Prosecution's sole "evidence" attempting to establish the bills are allegedly counterfeit is an unsigned, unnotarized, etc. letter dated 8/3/23 allegedly from USSS however, USSS has informed Petitioner (via responses to Petitioner's FOIA Requests #20230784 and #20230856) **NO SUCH DOCUMENT EXISTS IN THEIR RECORDS (DESPITE THE DOCUMENT APPEARING TO ALLEGEDLY BE *FROM* USSS)**. Prosecution submitted a knowingly forged (counterfeited) document (**WITHOUT WHICH THERE WOULD BE NO CASE**)
>
> -Prosecution does NOT have any evidence of any tests, etc. allegedly conducted by USSS (reinforcing the alleged USSS letter's a forgery (counterfeit) by the State) and USSS's FOIA Responses declare **USSS DOESN'T HAVE ANY RECORDS OF ANY KIND (E.G. SUBMISSION, TESTS, LETTER, ETC.)**

OF, ABOUT, CONCERNING, ETC. THE BILLS, ETC.

-Prosecution refuses to identify Petitioner's accuser

-Prosecution refuses to call Petitioner's accuser as a witness

-Prosecution refuses to allow Petitioner to inspect the alleged bills

-Prosecution refuses to allow any future jury to inspect the alleged bills

-Prosecution does NOT have chain of custody for the bills, etc. (in fact, from existing evidence, **SPD intentionally broke the chain of custody**)

-Prosecution continues to knowingly withhold exculpatory evidence, etc.

-Prosecution hasn't produced Santander's alleged criminal complaint

-SPD's documentation, etc. indicates SPD tampered with witnesses (e.g. coached (at a minimum) them as to what, etc. to write down in their witness statements)

-SPD's police report intentionally left out exculpatory evidence, information, etc. and, instead, was written in a way to portray vast criminality by Petitioner when in reality they not only KNEW no crimes of ANY kind had been committed but they ADMITTED the bills were GENUINE

-Santander surveillance footage was purposefully cut off (CONFIRMED break in chain of custody) AND AUDIO'S MISSING

-SPD intentionally didn't list the bills' serial numbers in the police report (claiming they weren't available ("NOT AVAIL" (No Emphasis Added) (EXACT WORDS USED)) (despite the serial numbers being crystal clear))

-SPD confiscated and later destroyed Santander's provided photocopies of Petitioner's GENUINE bills

-SPD effectively instructed Santander to destroy (and Santander confirmed it did destroy) Santander's records of the serial numbers of Petitioner's bills, etc.

-as confirmed by documentation, Santander attempted to destroy surveillance footage of the incident

-Santander surveillance footage (which Santander attempted to destroy, Prosecution admitted to withholding from Petitioner, etc.) shows State's star 43-year expert witness confirming (at the time of the incident) the watermarks, security threads, etc. were correct (further demonstrating State's letter (claiming the watermarks, security threads, etc. are allegedly incorrect) is a forgery (counterfeit))

-**RIJ'S RULED PETITIONER ISN'T ENTITLED TO EXCULPATORY EVIDENCE (DIRECTLY VIOLATING SCOTUS'S BINDING CASE LAW)**

-**RIJ'S DISALLOWED PETITIONER FROM SUBPOENAING DEFENSE WITNESSES**

-**RIJ'S RULED PETITIONER ISN'T ENTITLED TO APPEAL *ANYTHING* LC DOES (DIRECTLY VIOLATING SCOTUS'S BINDING CASE LAW)**

-**RIJ'S RULED PETITIONER'S NOT ALLOWED TO EVEN REQUEST A STAY PENDING APPEAL TO SCOTUS**

-ETC.

ALL JUDGES (OF EVERY APPLICABLE RIJ LEVEL) HAVE KNOWINGLY LIED, FALSIFIED, ETC. (ALL DOCUMENTED), BEEN FULLY AWARE THROUGHOUT THIS PROCESS OF PROSECUTION'S CRIMINALLY FORGED DOCUMENT (WITHOUT WHICH, PROSECUTION WOULD HAVE NO CASE), ETC. YET HAVE, AMONG OTHER THINGS, DESPITE PETITIONER'S REPEATED EFFORTS, AIDED AND ABETTED PROSECUTION'S FRAUD, ETC.

RIJ's out-of-control and, among other things, making a mockery of SCOTUS, the Judiciary, etc.

Entire cases are dismissed for things like: police not reading someone their *Miranda* rights before they voluntarily confessed, police illegally obtaining authentic evidence of crime, etc. Instead, **for Petitioner's case** involving repeated bedrock procedural, substantive, etc. violations (not to mention crimes by Government actors) at every step (from knowingly illegal arrest to present) and from effectively every applicable level of government (from low-level police officer to RI AG, low-level court clerk to RISC justices, etc.) (each of which would immediately shut down this case, result in criminal prosecution against SPD, Prosecution, etc., etc.), **where evidence straight from USSS (FOIA #20230784 and #20230856) (WHICH NOBODY WANTS TO ACKNOWLEDGE) conclusively demonstrates Petitioner committed NO**

CRIME, etc., RIJ, etc. commits crimes, etc. to ensure their fraudulent case remains open to get to their goals.

RIJ (who stripped Petitioner's bar (without Due Process, etc.) (*see* WC) because Petitioner exposed RIJ's, etc. corruption (yet RIJ commits crimes, defies SCOTUS, etc. without consequence)), **etc. repeatedly demonstrates that UNDER NO CIRCUMSTANCES WILL THEY ALLOW, among other things, PETITIONER TO BE EXONERATED AND FREED FROM THEIR CLUTCHES.** Hence Petitioner's HC.

Any doubts? On 6/24/25 (eight days after SCOTUS's final denial of Petitioner's HC), RI's Chief Disciplinary Counsel ("RICDC") Kerry Reilley Travers signed a letter euphorically admitting such.

Despite Travers (34-year veteran of RI's Disciplinary Counsel's Office and 4-year RICDC) acknowledging her duty to investigate, admitting having been under such duty for AT LEAST A YEAR (**Travers's letter even suggests her duty likely began approximately TWO YEARS ago**), despite Petitioner providing Travers with things like USSS FOIAs (conclusively demonstrating Petitioner committed NO CRIME), etc., Travers's 6/24/25 signed letter specifically stated "...the disciplinary investigation will be **HELD OPEN** until [RIJ has finished Petitioner]." (Emphasis Added).

As Travers is aware, Disciplinary Rules specifically forbid such action (*see* R.I.Sup.Ct.Art.III, Rule 9). Despite Petitioner reminding Travers of such prohibition, Travers's Rule 9 obligation to "prompt[ly]" conclude her investigation, etc. and Petitioner cc'ing RI's Disciplinary Board and RISC's justices, Travers continues "h[o]ld[ing] open" the investigation. *See* App.H for more.

After Petitioner's 6/25/25 letter to Travers (exposing their further crimes, etc.), on 7/16/**25**, the Massachusetts Bar ("MB") **spontaneously** initiated reciprocal disbarment proceedings based on RISC's 6/27/**24** disbarment order which Petitioner had provided a copy to and advised MB of (documented) (including briefly addressing RISC's factual and procedural deficiencies) on 7/8/**24**.

Normally Justice R.Jackson's concerns would be swiftly addressed by "...a ferociously independent..." Judiciary (quoting Justice Gorsuch). However, when, in Petitioner's case, RIJ corruptly aids and abets, etc. lawless Prosecution, Petitioner stands no chance to a fair process, etc. (as RIJ's, etc. repeatedly demonstrated). The process is being used to end a knowingly innocent person.

Respectfully,
Michael Prete
782 Boston Neck Road
Narragansett, RI 02882
August 3, 2025

APPENDIX

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APPENDIX A

Supreme Court

No. 2024-235-C.A.

State of Rhode Island :

v. :

Michael Prete. :

O R D E R

The State's motion to dismiss, as prayed, is granted.

This matter shall be closed.

Entered as an Order of this Court this ***30th*** day of ***January 2025.***

By Order,

/s/ Meredith A. Benoit

Clerk

APPENDIX B

Supreme Court

No. 2024-235-C.A.

State of Rhode Island :

v. :

Michael Prete. :

ORDER

The appellant's motion for reconsideration, as prayed, is denied.

This matter shall be closed. The Clerk's Office is instructed to reject any further filings in this matter and to immediately remand the record to the Superior Court.

Entered as an Order of this Court this ***7th*** day of ***March 2025.***

By Order,

/s/ Meredith A. Benoit

Clerk

APPENDIX C

STATE OF RHODE ISLAND
PROVIDENCE, SC. SUPREME COURT

MICHAEL PRETE

Hearing date: December 16, 2024

Appellant

VS. SU-2024-0235-CA

STATE OF RHODE ISLAND

Appellee

APPELLANT'S MEMORANDUM IN OPPOSITION TO APPELLEE'S MOTION TO DISMISS

"Omelet de fromage" (means "Cheese Omelet")

Those are the words spoken by "Dexter" in an episode of the TV show "Dexter's Laboratory" where he cannot say anything other than those words (no matter what he is asked, etc.). Christopher Bush (State's counsel) appears to be similarly afflicted. It appears the only word Bush knows to argue (whether it applies or not) is: Interlocutory. Let's demonstrate:

> -Appellant's Request for Stay? Bush's Answer: Interlocutory (See Bush's "Memorandum in Opposition" Dated June 4, 2024 for Case #SU-2024-0152-MP)