No. 25-154

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 REHEARING

Michael Prete
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October 31, 2025

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RULES

Herein, supporting Petitioner's rehearing request, are some briefly discussed substantial grounds not previously discussed.

Per Rule 10:

> "...character of the reason the Court considers:
>
> > (b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;
> >
> > (c) a state court...has decided an important federal question in a way that conflicts with relevant decisions of this Court."

Given that at least four Justices (Roberts, Alito, Gorsuch, Kavanaugh) have openly expressed concern/outrage over attempts to not comply with orders/precedent, it's baffling how this Court ("SCOTUS") chose to not soundly reject and summarily reverse (as is SCOTUS's normal practice) the RI Supreme Court's ("RISC") blatant defiance of SCOTUS precedent (and apparently not even four Justices wanted to do so).

RISC INVOKING FEDERAL HOLDING AS DECISION'S SOLE BASIS GIVES SCOTUS JURISDICTION

Without SCOTUS's reasoning/voting, it's hard to understand SCOTUS's thinking. Perhaps SCOTUS's hung-up on what appears to be kryptonite to state court appeals: the "adequate and independent state grounds doctrine."

However, like a child who doesn't want vegetables and runs when seeing green (not realizing it's green-color M&Ms), as briefly demonstrated herein, there AREN'T ANY adequate/independent state grounds for RISC's blatant defiance of SCOTUS binding precedent.

In *Cruz v. Arizona*, 598 U.S. 17 (2023), SCOTUS was split (5-4) regarding whether the state grounds doctrine was overcome; with the majority (Justices Roberts, Sotomayor, Kagan, Kavanaugh, Jackson) finding the doctrine had been overcome.
Petitioner's case satisfies ALL NINE JUSTICES REQUIREMENTS TO SUMMARILY REVERSE.

Opposing counsel's (Bush) RISC motion stated:

> "One exception exists to the general prohibition against interlocutory appeals filed by defendants in criminal cases: This Court will consider an interlocutory appeal of a trial court order denying a motion to dismiss a case on double jeopardy grounds. *See State v. Rose*, 788 A.2d 1156, 1157 (R.I. 2001) (mem.) (citing *State v. Harrington*, 705 A.2d 998, 998 (R.I. 1997); *State v. Northup*, 688 A.2d 863, 863

(R.I. 1997); *State v. Wiggs*, 635 A.2d 272, 275 (R.I. 1993); *State v. Chase*, 588 A.2d 120, 122 (R.I. 1991))."

IMMEDIATELY AFTER the cases Bush cites, *Rose* continues (which Bush didn't declare):

> "This issue, therefore, does not 'come within the exception of *Abney v. United States*, [431 U.S. 651 (1977)], which 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)." *Id.*

Knowing any discussion of *Abney* would immediately trigger SCOTUS's review, Bush (a member of SCOTUS's Bar) made sure his Motion didn't mention ANYTHING directly about *Abney*. Instead, like the game "Telephone," Bush deceptively relied SOLELY on statements from State cases (*Rose*, *Harrington*, *Wiggs*, and *Chase* (and *Berberian*)) which cite to and intentionally warp *Abney*'s holding. Bush's motion's based SOLELY on indirectly invoking SCOTUS precedent to claim NOTHING (other than Double Jeopardy) is appealable interlocutorily; a knowingly false claim demonstrated by *Abney*'s text and SCOTUS's subsequent case law (*see e.g. Sell v. U.S.*, 539 U.S. 166 (2003) (**finding pretrial order** for involuntary medical treatment **is ANOTHER PERMISSIBLE INTERLOCUTORY APPEAL under collateral order exception to final judgment rule**)).

Basically, one of the types of cases SCOTUS looks for (state court conflicting with SCOTUS decisions).

Bush's actions were then compounded by RISC's refusal (despite Petitioner's requests) to provide reasoning for their decision. RISC's unreasoned decision was effectively one-word: State's motion is GRANTED. Similarly, RISC's unreasoned decision for Petitioner's motion for rehearing/reconsideration AGAIN was effectively one-word: DENIED (but RISC did take the time to BLOCK Petitioner from even being able to submit (let alone have considered) a request for stay pending appeal to SCOTUS (RISC instructed its clerk to not allow Petitioner to file ANYTHING)).

RISC knew that a one-word decision means SCOTUS has to "guess" at RISC's reasoning (thus, running into *Michigan v. Long*, 463 U.S. 1032 (1983) (regarding SCOTUS having to PRESUME the reasoning)). However, for RISC to not provide any contrary reasoning, etc., RISC wholly endorsed (hence GRANTED), Bush's motion (thus adopting all of Bush's argument).

Knowing how SCOTUS operates, RISC and Bush INTENTIONALLY structured their decision/argument, respectively, to ensure SCOTUS only saw vegetables instead of delicious M&Ms.

Despite being in the *Cruz* dissent, Justice Thomas is known to be "allergic to judicial gamesmanship."

RISC/Bush fraudulently wielded the power of SCOTUS to deny Petitioner his GUARANTEED rights but simultaneously never cited *Abney* to attempt to dupe SCOTUS that this was a State issue; whereas RISC's decision was SOLELY regarding a federal holding.

"[U]nless [SCOTUS] wish[es] anarchy to prevail..., a precedent of [SCOTUS] must be followed..." *Hutto v. Davis*, 454 U.S. 370, 375 (1982).

RISC ISN'T MISAPPLYING, RISC'S INTENTIONALLY DEFYING SCOTUS

Justice Thomas should have an EpiPen handy as there's more judicial gamesmanship afoot.

Justices Gorsuch and Kavanaugh recently scolded lower courts for defying SCOTUS. In judicial hubris, self-aggrandizement, etc., lower courts not only snarked back at SCOTUS that it's "unhelpful and unnecessary to criticize district courts for 'defy[ing]'" but, one Massachusetts judge attempted to justify the defiance by blaming SCOTUS (claiming SCOTUS "ha[s] not been [a] model[] of clarity" and "ha[s] left many issues unresolved" *President and Fellows of Harvard College, et al. v. U.S. Department of Health and Human Services, et al.*, 1:25-cv-11048-ADB n.9). Stated differently, effectively claiming lower courts were merely unintentionally "misapplying" the law because SCOTUS was unclear.

In *Hutto*, the majority saw the lower court's actions for what they were: anarchy.

Abney's ruling is unambiguous. As demonstrated in *Sell*, *Abney* did NOT limit the collateral order exception to only Double Jeopardy. RISC has refused to abide by *Abney*'s ruling. There's no misunderstanding, misapplication, etc. when *Abney* specifically states:

> "[Any] claims **ARE** appealable if, and only if, they **TOO** fall within Cohen's collateral-order exception to the final-judgment rule." *Abney* at 663 (Emphasis Added).

Friday afternoon, 10/24/25, in ANOTHER case (#SU-2025-0106-CA), despite Petitioner AGAIN reminding RISC of *Abney*, etc., RISC AGAIN granted Bush's dismissal motion claiming SCOTUS (*ABNEY*) SAYS RIJ can do ANYTHING to Petitioner (e.g. involuntary medical treatment, whimsically jail Petitioner) and Petitioner cannot appeal unless Double Jeopardy.

RIJ CONTINUES DEFYING SCOTUS TO EXERT POWER IT WOULDN'T OTHERWISE HAVE.

RISC'S DECISION CONFLICTS WITH ALL U.S. COURTS OF APPEAL

Though they may differ about what ADDITIONAL exemptions exist, ALL TWELVE U.S. COURTS OF

APPEAL ("USCA") declare there ALREADY EXISTS/CAN BE more than one exemption to the final judgment rule. *See e.g. U.S. v. Joseph*, 38 F.4th 218 (1st Cir. 2022); *U.S. v. Serrano*, 856 F.3d 210 (2d Cir. 2017); *U.S. v. Mitchell*, 652 F.3d 387 (3d Cir. 2011); *U.S. v. Carrington*, 91 F.4th 252 (4th Cir. 2024); *U.S. v. Brown*, 218 F.3d 415 (5th Cir. 2000); *U.S. v. Martirossian*, 917 F.3d 883 (6th Cir. 2019); *U.S. v. Henderson*, 915 F.3d 1127 (7th Cir. 2019); *U.S. v. Lewis*, 851 F.3d 835 (8th Cir. 2017); *U.S. v. Mendez*, 28 F.4th 1320 (9th Cir. 2022); *U.S. v. Tucker*, 745 F.3d 1054 (10th Cir. 2014); *U.S. v. Muzio*, 757 F.3d 1243 (11th Cir. 2014); *U.S. v. Trump*, 91 F.4th 1173 (D.C. Cir. 2024).

In *Lewis*, the Eighth Circuit honed-in on the same *Abney* language Petitioner's Certiorari's (25-148/25-154) used to demonstrate there can be ADDITIONAL permissible interlocutory appeals:

> "Claims...other than double jeopardy claims are appealable "if, and only if, they [too] fall within Cohen's collateral-order exception to the final-judgment rule." [*U.S. v. Bailey*, 34 F.3d 683 (8th Cir. 1994)] (quoting *Abney* []).."

Moreover, **the First Circuit (jurisdiction over RI)**, in *Joseph*, **while discussing *Abney*'s collateral order (*Cohen*) test for ADDITIONAL permissible interlocutory appeals**, stated:

> "[SCOTUS] has to date identified four types of orders that [are permissible interlocutory appeals under the collateral order doctrine]"

RISC's declaration that there's ONLY ONE AND CAN ONLY BE ONE exception (Double Jeopardy) directly contradicts and conflicts with USCAs (including RISC's own Circuit). Again, one of the types of cases SCOTUS looks for.

CONCLUSION

SCOTUS has demonstrated it can administer impartial justice. Example, in *Jack Daniel's Properties, Inc. v. VIP Products LLC* (22-148), despite counsel (Lisa Blatt (who according to others has a history of "consistent condescending, and sometimes downright rude, demeanor before [SCOTUS]" (yet has won more than 80% of her at least forty cases argued before SCOTUS))), during SCOTUS oral argument (in open court), outright accusing Justice Jackson of "making up stuff," SCOTUS ruled UNANIMOUSLY (including Justice Jackson) in favor of Blatt.

Quoting Justice Thomas, "constitutional rights hang in the balance."

In *Parrish v. U.S.*, 605 U.S. 245 (2025), a nearly united SCOTUS (8-1) (each Justice for their own reasoning) refused to allow someone to lose their rights merely to allow the judiciary to preserve the

illusion of order. One news report stated: "A refusal, in the end, to let law become the very injustice it was meant to restrain."

After SPD's knowingly illegal arrest/searches, sexual assaults, concealment of exculpatory evidence (to date), falsification of several documents, destruction of exculpatory evidence (documented), etc., etc. **RI FORGED DOCUMENTS (PROVEN VIA, EXAMPLE, U.S. SECRET SERVICE ("USSS"), ETC.) TO DESTROY, ETC. PETITIONER.**

Among other things, because Petitioner's innocence, perfect record, etc., etc. was so strong, throughout the process of trying to destroy, etc. Petitioner, numerous people (including judges) committed crimes, etc.

Despite their all of government attack on Petitioner, Petitioner's innocence was proven via multiple ways (e.g. USSS FOIA Request #20230784 and #20230856, etc.).

Both Petitioner's RI and Massachusetts law licenses (which Petitioner's had both since 2016) were UNBLEMISHED UNTIL THE GOVERNMENTS' KNOWINGLY FRAUDULENT ATTACKS, ETC. ON PETITIONER.

Petitioner's law licenses came under fraudulent, etc. attack, etc. because Petitioner dared to expose (A.K.A. Free Speech) judicial

corruption (with evidence) regarding the State's prima facie fraudulent, etc. prosecution against Petitioner.

Bush, etc. knew, RI brought fraudulent charges against Petitioner by committing federal felony crimes among which included forging (counterfeiting) a USSS letter/"Affidavit" dated 8/3/23.

Attached (which, briefly discussed herein, were forged (counterfeited), etc. by RI) are:

> -Prosecution's Exhibit #11 (App.A): alleged USSS letter/"Affidavit" dated 8/3/23
>
> -Prosecution's Exhibit #10 (App.B): alleged "COUNTERFEIT SUBMISSION REPORT" (No Emphasis Added) dated 8/1/23 (and its instructions) by SPD Detective Lieutenant Douglas S. Cerce Jr.
>
> -Prosecution's Exhibit #7 (App.C): signed statement by Cerce Jr. entered on 8/1/23 at 3:50PM stating (in full):
>
> > "A submission to the United States Secret Service US Dollars website was made for the 2 **SUSPECTED** counterfeit notes. Submission 111-2023-000321-W was made via the USSS portal." (Emphasis Added).

USSS declared to Petitioner in, not one but, TWO separate letters (both sent via e-mail) for two separate FOIAs (#20230784 and #20230856) that USSS DOESN'T HAVE ANY RECORDS OF ANY KIND (E.G. SUBMISSION (e.g. 111-2023-000321-W), TESTS, LETTER, ETC.) OF, ABOUT, CONCERNING, ETC. THE BILLS, ETC.

Both Petitioner's FOIA Requests and USSS's "No Records" response ARE PUBLICLY AVAILABLE ON USSS'S WEBSITE (https://www.secretservice.gov/sites/default/files/reports/2025-01/FOIA-Log-FY-2023.pdf (*see* pgs.70, 78)) (*See* App.D for relevant pages of USSS's Fiscal Year 2023 FOIA Log).

Attached are:

> -USSS's first FOIA e-mail letter dated 8/24/23 (App.E) (regarding FOIA #20230784) (covering the period of 7/25/23-8/10/23 (as clarified by USSS FOIA Officer Kevin Tyrrell's e-mail dated 8/25/23 (App.F))
>
> -USSS's second FOIA e-mail letter dated 8/31/23 (App.G) (regarding FOIA #20230856) (covering the period of 8/1/23-8/25/23)

Both USSS FOIA e-mail letters definitively state:

> "The Secret Service FOIA Office searched all Program Offices that were likely to contain

potentially responsive records, and no records were located."

Given that USSS has no records of any kind of a letter/"Affidaivit," a USSS portal submission, etc., per USSS, RI FORGED the alleged "Affidavit," USSS portal submission, etc. in order to bring its fraudulent, etc. prosecution against Petitioner.

WITHOUT THE FORGED LETTER /"Affidavit" DATED 8/3/23, THE PROSECUTION HAS NO CASE.

Since 10/19/23, ALL JUDGES (OF EVERY APPLICABLE RI JUDICIARY ("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.

Petitioner's submissions at SCOTUS, etc. provide some more of, among other things, the lengths they've gone to destroy, etc. Petitioner.

RISC expressly stated it retaliated against Petitioner's Free Speech, prima facie demonstrated it

deprived Petitioner of Due Process (notice/opportunity, etc.), etc., **fulfilled a scenario SCOTUS predicted might occur** (decades ago, SCOTUS predicted that under the guise of "Professional speech," Government could achieve "unfettered power to reduce a group's First Amendment rights by simply [restricting licensing]," *Nat'l Inst. of Family & Life Advocates v. Becerra*, 138 S.Ct. 2361, 2375 (2018) (quoting *Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 423-424 n. 19 (1993)), which would create "a powerful tool to impose invidious discrimination of disfavored subjects." *Id.*), etc. (*see* 24-614). **SCOTUS had an opportunity to finally address the weaponization of law licenses as a mechanism to control/silence speech** and, unlike other cases (where attempts to do so have been withdrawn prior to SCOTUS review (thus thwarting review)), RISC, to date, hasn't withdrawn. **Instead, the Roberts Court** (which is regarded as generally sympathetic to free speech claims, which has swiftly granted relief on Friday at midnight (Saturday morning) within eight hours of receiving a procedurally and factually deficient emergency petition from foreign terrorists, which has ordered the U.S. Government to facilitate a gang/terrorist member/accused murderer/TWICE-ordered deported (by Federal Judges) illegal "got-away" alien (who received Due Process, etc.) (who, since entering approximately 14 years ago, for the past decade (as his full-time job), has been arms dealer/drug smuggler/human smuggler/ETC.) being flown back to the U.S. (at

taxpayer expense) to provide him MORE Due Process (only to reach the same conclusion (deportation)), etc.) **passed on Petitioner's** (an American, attorney (in Massachusetts (AND previously RI)), no criminal record, has multiple honors, proven innocent by USSS, etc., etc.) **landmark worthy case (which would've helped ensure other attorneys' rights to free speech are protected)** and didn't even summarily reverse (merely for, among other things, not providing Petitioner Due Process, etc.) RISC's retaliation.

Further demonstrating ramifications of RISC's retaliation, Petitioner submitted an application for SCOTUS Bar membership. Despite Petitioner providing a five-page Addendum (explaining RISC's actions, etc.), 370 pages of supporting documentation, etc., Petitioner's application was rejected.

Though Petitioner demonstrated prima facie evidence of RIJ's corrupt system (thus depriving Petitioner of any fair process (despite such supposed to be guaranteed)), despite demonstrating Petitioner had no other recourse available (including U.S. District Court ("USDC") being disqualified (via conflict) from hearing Petitioner's case and Petitioner since having demonstrated USDC's efforts to protect the same police department, etc. (e.g. USDC claimed officer's sworn admission (and other evidence) that they lied in search warrant affidavit wasn't "direct proof" nor even "compelling" proof of perjury, etc.)),

etc. (*see* Petitioner's Supplemental Briefs (25-148/25-154) ("PSB"), Petitioner's Habeas (24-1000)), SCOTUS passed on Petitioner's Habeas.

Throughout Petitioner's filings, when SCOTUS didn't act, RISC, etc. stated/demonstrated their emboldenment (e.g. further retaliating against Petitioner), etc.

Example: On 7/8/**24**, Petitioner notified (via e-mail) the Massachusetts Bar ("MB") of RISC's order. MB chose not to seek reciprocal discipline. As SCOTUS's already aware, at RI's retaliatory direction (Petitioner has documented evidence), on 7/16/**25**, MB commenced reciprocal disciplinary proceedings based on RISC's prima facie corrupt order. To justify the time-gap, MB accused Petitioner of (and charged Petitioner with) not EVER notifying MB of RISC's order.

Like RI, Massachusetts weaponized Petitioner's law license.

RI CROSSED STATE LINES, EASILY RECRUITED THE MASSACHUSETTS GOVERNMENT, ETC. TO MAKE SURE PETITIONER'S DESTROYED, ETC.

The corruption's so brazen that Petitioner's Massachusetts EMERGENCY Motion for Summary Judgement (filed 8/27/25) of the Disciplinary Matter CONTINUES TO REMAIN IN LIMBO (despite,

among other things, Petitioner having proven MB committed perjury, committed fraud upon the Massachusetts court, etc., etc.).

See PSBs, etc. for more.

They control anyone/anything.

Another example, Mark Benjamin (the person who filed the knowingly fraudulent prosecution against Petitioner, using a knowingly forged document) has been corruptly instructing people to ensure a fraudulent, etc. conviction (e.g. per a signed, sworn affidavit by SPD police chief, Benjamin instructed (despite having NO AUTHORITY TO DO SO) SPD not to comply with RI PUBLIC RECORDS Law to ensure Petitioner wouldn't receive exculpatory evidence conclusively demonstrating, among other things, Petitioner's innocence, the State's federal felony crimes committed in bringing the fraudulent prosecution, etc.).

BUSH KNEW THE SEVERITY OF HIS/RISC'S DEFIANCES, ETC. PSBs noted, after Petitioner filed Certiorari but before conference assignment (and SCOTUS's conference would only occur OVER A MONTH later), **Bush filed in RISC attempting to have RISC take action to evade SCOTUS's intervention (further defying SCOTUS)** (see PSB's App.A). Bush knew, SCOTUS frequently summarily reverses even in fact intensive cases (e.g. habeas corpus, qualified-immunity) (*See e.g. Dunn v.*

Reeves, 141 S.Ct. 2405 (2021) (12-page summary reversal)); imagine **Petitioner's case involving straight-forward lower court defiance, etc. of SCOTUS binding precedent (precedent: followed by ALL TWELVE U.S. COURTS OF APPEAL, repeated by SCOTUS as recently as 2003 (*Sell*), etc.)**. Moreover, PSBs mentioned, Bush's attempt occurred just three business days after SCOTUS's admonishings over lower court defiances.

A case squarely in SCOTUS's jurisdiction, where RISC's specifically defying established SCOTUS precedent, knowingly fraudulently invoking SCOTUS precedent as the SOLE means of dismissing, etc., SCOTUS AGAIN didn't even summarily reverse (despite that being SCOTUS's practice for such defiances (*see e.g. Chambers-Smith v. Ayers*, 145 S.Ct. 1632 (2025) (Justice Alito noting "Ordinarily, we would summarily reverse such a decision or, at the least, grant certiorari to bring the errant [court] back into alignment...litigants should not hesitate to seek certiorari if the [court] repeats this error.")).

At his confirmation hearing, Chief Justice Roberts analogized baseball to convey his Judicial philosophy. Here, analogizing baseball, the pitcher is deliberately and constantly aiming at the bater's head to intentionally try to cause serious bodily injury (or worse) and, instead of throwing the pitcher out of the game (and league), etc. and allowing the

bater to, at a minimum, take first base, "strikes" continue being called on the batter until strike three.

During a recent speaking engagement, Chief Justice Roberts cautioned about "unsettling the law" (advising to do so only if absolutely necessary, etc.) and proudly noted there've been less precedent overturned during his tenure than other Chief Justices.

Abney's the law of the land.

RISC's defiant, rogue, etc. actions must be reversed.

Respectfully
Michael Prete
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October 31, 2025

RULE 44.2 CERTIFICATION

I hereby certify that this petition for rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.

Michael Prete
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October 31, 2025

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