No. 24A902

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

PETITIONER'S EMERGENCY APPLICATION FOR STAY PENDING APPEAL

Michael Prete
782 Boston Neck Road
Narragansett, RI 02882
March 18, 2025

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. 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. 32-2023-04666 (R.I. District Court)

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PETITIONER'S EMERGENCY APPLICATION FOR STAY PENDING APPEAL

To Justice Ketanji Brown Jackson, Associate Justice of the Supreme Court of the United States and Circuit Justice for the First Circuit:

For the extraordinary circumstances (which are beyond Petitioner's control) and reasons briefly discussed herein, this Court ("SCOTUS") should order an immediate stay of proceedings against Petitioner in the Rhode Island Superior Court, including but not limited to the hearing scheduled for March 25, 2025 at 9:30AM (which was spontaneously and unnecessarily scheduled). If necessary, SCOTUS should, as is SCOTUS's frequent practice, also enter a temporary administrative stay of proceedings while this stay application is considered.

Given the extraordinary urgent circumstances beyond Petitioner's control (as briefly discussed herein), Petitioner's discussions have been forced to be limited in scope, detail, etc. and this filing is effectively being submitted in emergency fashion.

DECISIONS BELOW

The Rhode Island Supreme Court's ("RISC") unreported orders dismissing Petitioner's RISC appeals are reproduced at App.1-2. RISC's unreported orders denying reconsideration and ordering clerk to reject any other filings are reproduced at App.3-4.

JURISDICTION

Respondent filed nearly identical motions to dismiss Petitioner's RISC's appeals (Case #SU-2024-0235-CA and SU-2024-0299-CA) on September 27, 2024 and October 2, 2024, respectively. App.5-12 Petitioner timely filed Memorandums in Opposition on December 16, 2024. App.13-43. On January 30, 2025, RISC's single Duty Judge granted Respondent's motions in unreasoned orders. App.1-2. On February 10, 2025, Petitioner moved for reconsideration (by the full RISC court). On March 7, 2025, RISC denied Petitioner's motions for reconsideration in, again, unreasoned orders. App.3-4.

SCOTUS has jurisdiction under 28 USC §1257(a) and §1651(a) and Supreme Court Rule 23. Per Supreme Court Rule 23.3, Petitioner is a party to the judgment sought to be reviewed, and, among other things, per RISC's orders dated March 7, 2025, RISC (RI's highest court) disallowed Petitioner from requesting the relief now sought. Knowing the lower court has routinely ignored, etc. Petitioner's requests for stay (*see e.g.* Case #SU-2024-0147-MP, SU-2024-0152-MP, SU-2024-0226-MP), RISC's reconsideration denial orders specifically ordered its clerk to not accept any other filings (which includes any requests by Petitioner for stay pending appeal to SCOTUS). App.3-4. As such, RISC preemptively prevented Petitioner from even attempting to request a stay (of imminent proceedings (including hearing scheduled for March 25, 2025 at 9:30AM)). For the extraordinary circumstances (which are

beyond Petitioner's control) briefly discussed herein, a stay will be in aid of SCOTUS's appellate jurisdiction.

BRIEF STATEMENT OF CASE

This case began with no one from Santander calling the Smithfield Police Department. An officer of SPD (no member of which has ever met, interacted with, etc. Petitioner or Petitioner's family and SPD is at the other end of the State from where Petitioner lives) walked into Santander Bank 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)).

SPD falsified their police report to attempt to justify their illegal arrest and make sure Petitioner was forced into the system.

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 not only decided to bring charges but did so by submitting a document (letter/"affidavit" dated August 3, 2023 allegedly from the United States Secret Service ("USSS")) which Prosecution knew was criminally forged by the State (without such document, Prosecution would have no case).**

Despite prima facie evidence of document's forged nature (e.g. all things mandatory for an affidavit are missing (e.g. affiant's signature, notary notarization (notary name, number, seal, expiration date, signature, etc.), etc.)), despite Petitioner submitting proof USSS (document's alleged author) has declared, in writing, **NO SUCH DOCUMENT EXISTS IN THEIR RECORDS**, etc., the Rhode Island Judiciary ("RIJ") has paradoxically allowed Prosecution's case (which is built upon the forged (counterfeit) letter (without which Prosecution has no case)) to continue while, at the same time, refusing to even discuss the forged letter (discussion of which would require automatic dismissal (with prejudice) of the case, sanctions, etc. against Prosecution, etc.).

As Petitioner stated in his "Sixth Emergency Letter to Associate Justice Rekas Sloan (P2-2023-3243A)" (Dated June 20, 2024):

"**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).** Setting aside obvious defects (exposing its forged nature (e.g. why does the August 3, 2023 letter (which is labeled as an 'Affidavit") contain only a typed signature (not even '/s/ ...,' literally a typed signature (using cursive looking type font)) and not a real signature, no notarization, etc.)), the 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 "Seventh Emergency Letter to Associate Justice Rekas Sloan (P2-2023-3243A)" (Dated July 2, 2024) stated:

> "Further, 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. To reiterate, the State is the one doing ALL the crimes, etc. but the Defendant is the one that has been illegally arrested TWICE, fraudulently, etc. abused, tormented, etc., etc., etc." (No Emphasis Added).

Instead of addressing Prosecution's crimes, etc., RIJ issued retaliatory orders stripping Petitioner of Pre-Trial, etc. rights guaranteed to Petitioner by RI Law, RIJ court rules, etc. (further violating Petitioner's Due Process, Equal Protection, etc. rights). Thus, Petitioner appealed (as allowed by RIJ rules and RI Law) such orders.

Before Petitioner had an opportunity to submit his required RISC Prebrief Statements (which declares the bases of his appeals), Respondent filed nearly identical motions to dismiss Petitioner's RISC's appeals (Case #SU-2024-0235-CA and SU-2024-0299-CA) on September 27, 2024 and October 2, 2024, respectively. App.5-12. Respondent's motions were procedurally barred (as Respondent admitted in other cases), failed to comply with service requirements, etc. (all addressed by

Petitioner (see App.13-41)). Petitioner timely filed Memorandums in Opposition on December 16, 2024. App.13-43.

Petitioner also filed a SCOTUS Petition for Writ of Habeas Corpus (Dated December 20, 2024) and Petition For Writ Of Certiorari (24-614) (Dated November 25, 2024). Once RIJ was assured Petitioner's Habeas filing had "disappeared" and SCOTUS declined to take Petitioner's Certiorari, on January 30, 2025, RISC's single Duty Judge issued unreasoned Orders illegally dismissing (in violation of SCOTUS's binding precedent (which Petitioner advised RISC of BEFORE RISC made its decision AND Petitioner advised RISC he would be appealing their decision to SCOTUS)) BOTH of Petitioner's RISC pending appeal cases (emboldened so much so that RIJ dismissed one of Petitioner's RISC pending appeals BEFORE THE APPEAL HAD EVEN TECHNICALLY BEGUN). See App.2. Unexpectedly, Petitioner filed a SCOTUS Petition for Rehearing on February 7, 2025 (which was delivered to SCOTUS on February 10, 2025) and a RISC Motion for Reconsideration (by the full RISC court) on February 10, 2025 (which RISC received on February 10, 2025 (same day)). RISC waited until AFTER SCOTUS made its decision on Petitioner's SCOTUS Petition for Rehearing to issue a decision on Petitioner's RISC Motion for Reconsideration. After SCOTUS denied Petitioner's Rehearing, RISC denied Petitioner's Motion on March 7, 2025 in, again, unreasoned orders. App.3-4. RISC, however, went one step further. Knowing that Petitioner could request stays pending appeal to SCOTUS (which is required before Petitioner can make such

request to SCOTUS), RISC (RI's highest court) preemptively stripped Petitioner of his ability to even file (let alone be heard) (in the process, continuing to violate Petitioner's rights). Knowing the lower court has routinely ignored, etc. Petitioner's requests for stay (*see e.g.* Case #SU-2024-0147-MP, SU-2024-0152-MP, SU-2024-0226-MP), **RISC'S RECONSIDERATION DENIAL ORDERS SPECIFICALLY ORDERED ITS CLERK TO NOT ACCEPT ANY OTHER FILINGS (WHICH INCLUDES ANY REQUESTS BY PETITIONER FOR STAY PENDING APPEAL TO SCOTUS).** App.3-4. As such, RISC preemptively prevented Petitioner from even attempting to request a stay.

See Petitioner's SCOTUS Petition for Writ of Habeas Corpus (Dated December 20, 2024), Petition For Writ Of Certiorari (24-614) (Dated November 25, 2024), "Declaration" (Dated March 18, 2025) for Petitioner's "Petition for Writ of Habeas Corpus" (Dated December 20, 2024) for some more information.

REASONS FOR GRANTING STAY

Factors considered when reviewing a stay pending appeal are: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Nken v. Holder*, 556 U.S. 418, 434 (2009) (citation omitted). Petitioner's request meets each factor.

I. Petitioner is likely to Succeed

RISC's orders (which contained no reason whatsoever (despite Petitioner's repeated requests and notice that their decision would be appealed to SCOTUS)) intentionally defy SCOTUS's binding case law regarding permissible interlocutory appeals.

SCOTUS has a history of granting certiorari to deal with lower courts defying SCOTUS's binding law, etc. In fact, in situations where the lower courts' defiance is so in-your-face, SCOTUS has a history of repeatedly taking the SAME case to ensure the law is followed, ensure the lower court is 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 even went so far as "...deciding the case on its merits, rather than remanding it to the State Supreme Court for that purpose." *Id.* at 302.

In this case, for nearly HALF A CENTURY, 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").

In reality, SCOTUS's *Abney* decision actually 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 as long as 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 RISC that Petitioner would be appealing their decision to SCOTUS (see App.40), RISC not only allowed Prosecution's Motion to Dismiss to be heard (despite Prosecution's motion being procedurally barred (as Prosecution himself admitted in other cases), failing to comply with service requirements, etc. (all addressed by Petitioner (see App.13-41))) but granted Prosecution's motion claiming SCOTUS has declared ONLY double jeopardy claims may be appealed interlocutorily.

Despite raising direct conflicts between RISC's orders and SCOTUS's precedents, despite RISC knowing their decisions were headed to SCOTUS, etc., again, RISC's orders contained no reason whatsoever.

RISC's actions aren't misinterpretations, misapplications, etc. of SCOTUS's decision. RISC is outright defying SCOTUS while, amazingly, blatantly lying that it's following SCOTUS. RISC's *Berberian* decision is so definitive ("...solely...") that, unless the reader goes and read the *Abney* case for themselves, the reader is 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 justices (and future RI justices spanning nearly HALF A CENTURY (since the case has apparently been repeatedly cited and never overturned)) come to the same outrageously incorrect conclusion?

The need for reversal of RISC's orders is evident and Petitioner is, as briefly demonstrated above, likely to succeed on the merits.

Once SCOTUS conclusively determines the threshold issue that RISC's orders are flagrant violations of SCOTUS's binding precedent, the issues underlying Petitioner's RISC appeals (e.g. RIJ's outrageous unconstitutional denials of Pre-Trial, etc. rights guaranteed to Petitioner) fit perfectly within SCOTUS's "...collateral-order exception..." to the final judgment rule.

II. Petitioner Will Suffer Irreparable Harm Absent a Stay

As a preliminary matter, the overall burdens, etc. of defending a criminal case (and doing so with no experience, etc.) while Petitioner's MUTLIPLE appeals (regarding foundational case matters) are pending constitute irreparable harm.

These irreparable harms are further compounded by the abruptness and haste of RIJ's actions and RIJ preemptively stripping Petitioner of his right to merely request a stay pending appeal to SCOTUS.

Moreover, as demonstrated below, RIJ itself has evidenced via its own documentation, continued hearings, etc. are pre-texts for ongoing opportunities to end Petitioner.

A. RISC Has Already Demonstrated, in its Own Words, in its Unanimous Order, That It's Spontaneous Ordering Petitioner to Swiftly Appear at a Hearing Was Meant to Create Things Against Petitioner

On June 13, 2024, RISC Ordered Petitioner to appear at a Show Cause Hearing for why Petitioner shouldn't be disciplined. Note, as discussed in Petitioner's Certiorari Petition (24-614) (Dated November 25, 2024), there were no allegations against Petitioner, no RI Bar Counsel investigation (as required by RIJ Disciplinary Rules), etc. In fact, as RISC's own order later revealed, there was NO BASIS for a hearing to take place and RISC acted SUA SPONTE. Further, RISC ordered Petitioner appear within three (3) business days. Despite Petitioner's efforts to submit

documentation noting the lack of Due Process, Notice, etc. (including, but not limited to, RISC not declaring what the supposed allegations against Petitioner were), RISC proceeded full steam ahead.

RISC's disbarment order, issued just ONE WEEK later, specifically stated that the only supposed identifiable Professional Misconduct Violation Petitioner committed was not attending the Hearing on why Petitioner's shouldn't be disciplined. In other words, RISC circularly reasoned that their decision to discipline Petitioner is justified because of Petitioner's non-appearance at a frivolous, etc. hearing on why Petitioner shouldn't be disciplined. However, as evidenced by RISC's order, since RISC had no grounds to contemplate Petitioner being disciplined, there were no grounds to schedule a hearing, thus Petitioner's non-appearance cannot later be used to justify discipline which was never justified to begin with.

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

As for RISC's knowing LIE that RISC ordered Petitioner to appear, as RISC is aware, RISC's "order" was a "show cause" order (e.g. show cause why Petitioner

should not be suspended). The purpose of RISC's order was to inform Petitioner that unless he convinces RISC otherwise, he will be suspended. The hearing was effectively an oral argument hearing which, like other litigants, is OPTIONAL.

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

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

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

Knowing RISC had no way to FORCE Petitioner's appearance, RISC dangled Petitioner's law license to lure Petitioner to a prima facie frivolous hearing to CREATE things against Petitioner.

Also note, this is the same RISC that issued an order preemptively preventing Petitioner from even attempting to request a stay (the relief now sought) by specifically ordering its clerk to not accept any other filings (including any requests by Petitioner for stay pending appeal to SCOTUS). App.3-4.

B. In addition to RISC, Documented Attempts Against Petitioner Have Already Occurred Using Ongoing Frivolous Forced Hearings (Under Threat of Arrest)

As briefly addressed in Petitioner's Habeas (Dated December 20, 2024), RIJ's forcing Petitioner to appear at hearings have been the pre-text by which to secure Petitioner's presence at a set time and location to attempt to set up Petitioner.

For example, at Associate Justice Linda Rekas Sloan's FORCED (under threat of arrest) July 3, 2024 hearing (at which there were more police officers, etc. in the courtroom than usual), after Petitioner didn't bend to Sloan's and Prosecution's attempts to coerce Petitioner into accepting a plea deal (a binding contract), Prosecution, violating court rules requiring motions be in writing, orally presented (depriving Petitioner of notice of the motion, opportunity to properly defend against the motion, etc.) a prepared motion (as evidenced from the hearing transcript) for Petitioner's Bail to modified and Petitioner (AN ATTORNEY) be required to submit (against his will and **UNDER THREAT OF INDEFINITE JAILING UNTIL COMPLIANCE**) to a psychological examination (administered by a court appointed government worker) because of a letter Petitioner submitted into the record the day earlier in which Petitioner specifically identified some federal felony crimes that have been committed by the State (which Petitioner has supported with documented evidence FROM THE UNITED STATES SECRET SERVICE) in order to bring the fraudulent case against Petitioner. Evidencing the retaliatory, etc.

nature of Prosecution's motion, under established case law, a mentally impaired individual cannot enter into binding contracts yet, just effectively seconds earlier, Petitioner was being coerced into accepting a plea deal (a binding contract).

As Petitioner stated in his "Sixth Emergency Letter to Associate Justice Rekas Sloan (P2-2023-3243A)" (Dated June 20, 2024):

> "**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).** Setting aside obvious defects (exposing its forged nature (e.g. why does the August 3, 2023 letter (which is labeled as an 'Affidavit") contain only a typed signature (not even '/s/ ...,' literally a typed signature (using cursive looking type font)) and not a real signature, no notarization, etc.)), the 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:
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> > '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)
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> 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.'
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> 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 "Seventh Emergency Letter to Associate Justice Rekas Sloan (P2-2023-3243A)" (Dated July 2, 2024) stated:

> "Further, 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. To reiterate, the State is the one doing ALL the crimes, etc. but the Defendant is the one that has been illegally arrested TWICE, fraudulently, etc. abused, tormented, etc., etc., etc." (No Emphasis Added).

On July 3, 2024, despite the above, Rekas Sloan claimed ignorance (e.g. "I don't know what affidavit you're talking about...") despite: acknowledging having read Petitioner's court documents (addressed to Rekas Sloan) discussing State's forged document; there being only ONE "affidavit" at issue in the case; that "affidavit" being how Prosecution brought the case; etc. Also on July 3, 2024, Rekas Sloan (after feigning ignorance of State's forgery) ordered, without evidence, in violation of

court rules, RI law, etc., having personal knowledge that what Prosecution was presenting were blatant lies and literal made up "facts" (as demonstrated from the court record and as Petitioner also demonstrated DURING the FORCED (under threat of arrest) court session (including Petitioner questioning Prosecution and Prosecution's inability to produce evidence (since none exists))), etc., etc. that Petitioner (an attorney) be psychologically evaluated (against his will and under threat of indefinite jailing until compliance) so RIJ can proceed to holding Petitioner in a psychological facility for 13.33 years, etc. and Rekas Sloan specifically stated the order was in direct response to Petitioner's filing exposing State's forgery (thus, in further violation of law, etc., the order was retaliatory, etc.).

Note, Rekas Sloan's corrupt July 3, 2024 order came JUST six (6) days after RISC had unconstitutionally, etc. stripped Petitioner's RI law license (in retaliation of his freedom of speech (speech consisting of exposing corruption, etc.)) without due process, etc. (note, from the time of Petitioner being notified of contemplated action to the time of the show cause hearing at RISC, Petitioner was given only three (3) business days (whereas the process normally takes AT LEAST 95 days)). They thought for sure Petitioner would snap in court on July 3, 2024 (just in time for the July 4th holiday) (after all, not only was Petitioner JUST stripped of his bar but now he is having his sanity questioned and facing being stripped of his bodily autonomy, etc. (for knowingly, blatantly, etc. made-up issues)). In fact, it appeared as though there were more police officers, etc. in the courtroom than usual.

There have been other attempts against Petitioner (e.g. June 6, 2024, etc.).

See Petitioner's Habeas (Dated December 20, 2024) for more.

C. Judge Overseeing Upcoming Spontaneous, Swift Hearing Has Documented History of Having Petitioner's Case Court Record Falsified, Aiding and Abetting Federal Felony Crimes Committed By State Against Petitioner, Declaring Defendants (including Petitioner) Aren't Entitled to Exculpatory Evidence, Completely Fabricating Statements Petitioner Never Stated, Falsely Accusing Petitioner of Crime(s), ETC., ETC., ETC.

The judge (Magistrate John McBurney) presiding over the upcoming spontaneous, swift March 25, 2025 hearing has a documented history of:

(i) having Petitioner's case court record falsified

(ii) aiding and abetting federal felony crimes committed by State against Petitioner (in other words, McBurney has himself committed federal felony crimes against Petitioner)

(iii) denying Petitioner's request that Prosecution be ordered to produce exculpatory evidence (and even effectively declared, via McBurney's signed decision, "After review of [Petitioner's] filing and the **CASE LAW**..." (Emphasis Added) (without declaring what supposed "case law"), Petitioner

(a Defendant in a criminal case) is not entitled to exculpatory evidence (evidence reinforcing Petitioner didn't commit any crimes, etc.), etc. Yet, such materials (exculpatory evidence) have their own name: "Brady" materials (referencing *Brady v. Maryland*, 373 U.S. 83 (1963)))

(iv) completely fabricating entire narratives about statements made in Petitioner's WRITTEN motion despite knowing the court record showed Petitioner NEVER made any such statements

(v) attempting to falsely accuse Petitioner of crime(s) (e.g. threatening a judge (despite McBurney himself acknowledging no such threat existed) as reflected in a hearing court transcript (a hearing at which Petitioner was not present (since Petitioner's presence wasn't required)))

(vi) Etc.

See below for brief elaborations (keep in mind, the transcripts proving such conduct, etc. were being withheld by RIJ from Petitioner (despite the transcripts being paid for in full)).

Note, to date, Petitioner has never met McBurney, never spoken to McBurney, and, prior to this case, never had any form of communication, etc. of ANY kind with McBurney.

i. Having Petitioner's case court record falsified

As documented via court transcript, McBurney had the court record falsified to make it appear as though Petitioner "passed" (ABANDONED, etc.) on his own motions (e.g. Motion to Dismiss), etc. despite admitting knowing the opposite was true.

ii. Aiding and abetting federal felony crimes committed by State against Petitioner

As of October 19, 2023, Petitioner already started providing proof to the court that Prosecution's document (letter/"affidavit" dated August 3, 2023 allegedly from USSS) is a forgery (counterfeit) by the State.

McBurney has been repeatedly informed and provided proof (via multiple filings (e.g. Motion to Dismiss, Motion to Strike) across different hearings) by Petitioner of the document's forged (counterfeited) nature.

At the October 25, 2023 hearing on Petitioner's motions, McBurney had the court record falsified to make it appear as though Petitioner "passed" (ABANDONED, etc.) on his own motions (e.g. Motion to Dismiss), etc. despite admitting knowing the opposite was true. All reflected in court transcript.

At the November 27, 2023 hearing on Petitioner's motions, McBurney acknowledged:

> "...when addressing a motion to dismiss a criminal information, a Superior Court judge [McBurney] is **REQUIRED to examine the information [charging package] AND THE ATTACHED EXHIBITS** to determine whether the State has satisfied its burden to establish probable cause [of a crime]..." (Emphasis Added).

Yet, despite Prosecution's forged (counterfeited) document being "Exhibit #11" to Prosecution's Information Charging Package and its forged (counterfeited) nature being demonstrated in Defendant's motions, **THE TRANSCRIPT SHOWS MCBURNEY PREMEDITATIVELY DIDN'T MENTION, ADDRESS OR EVEN ACKNOWLEDGE THE EXISTENCE OF THE ALLEGED LETTER DATED AUGUST 3, 2023 FROM USSS.**

Moreover, setting aside the letter's proven forged (counterfeited) nature, McBurney had in front of him an alleged USSS letter (an "...attached exhibit[]..." to Prosecution's Information Charging Package) definitively stating USSS (THE GOVERNMENT BODY WITH AUTHORITY OVER THE MATTER) claims the bills are counterfeit based on multiple factors. If USSS allegedly provided such definitive proof (which would establish "...whether the State has satisfied its burden to establish probable cause..."), **WHY WOULDN'T MCBURNEY WANT TO EVEN MENTION THE LETTER?**

MCBURNY WAS FULLY AWARE THE USSS LETTER WAS A FORGERY (COUNTERFEIT) BY THE STATE (AMONG OTHER THINGS, ALL INVOLVED ARE FACING FEDERAL FELONY CRIMES, ETC.).

McBurney was also aware that without the USSS letter, the State has no case (hence why the State needed to forge (counterfeit) the USSS letter, why the State has essentially stated they don't intend to introduce the bills into evidence (thus, among other things, depriving Petitioner of his Constitutional right to cross-examination), etc.).

To not deal with State's crimes (and to keep this fraudulent, etc. case going), McBurney: had Petitioner's case court record falsified, refused to address the State's forgery (counterfeit) (despite being legally required to do so), pretended as if the State's forgery (counterfeit) doesn't exist, etc. In other words, among other things, covering-up (A.K.A. aiding and abetting) federal felony crimes committed by the State.

McBurney's aiding and abetting, etc. of federal felony crimes results in McBurney himself committing federal felony crimes against Petitioner.

iii. Denying Petitioner's Right to Exculpatory Evidence

According to McBurney's signed decision denying Petitioner access to exculpatory evidence in State's possession, "After review of [Petitioner's] filing and the **CASE LAW**..." (Emphasis Added) (without declaring what supposed "case law"), Petitioner (a Defendant in a criminal case) is not entitled to exculpatory evidence (evidence reinforcing Petitioner didn't commit any crimes, etc.), etc. Yet, such materials (exculpatory evidence) have their own name: "Brady" materials (referencing *Brady v. Maryland*, 373 U.S. 83 (1963)).

iv. Completely fabricating entire narratives about statements made in Petitioner's WRITTEN motion despite knowing the court record showed Petitioner NEVER made any such statements

On November 27, 2023, McBurney claimed:

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

As McBurney was fully aware, **NOWHERE** in Petitioner's "Emergency Motion to Strike (P2-2023-3243A)" (Dated October 24, 2023) **did Petitioner discuss, reference, or in any way mention Petitioner's bank account, Petitioner's mom's bank account, or ANY bank account. Further, the words "bank" or "bank account" don't even appear anywhere in the filing.**

McBurney **OUTRIGHT LIED**, created a completely made-up statement, etc.

Among other things, McBurney wanted to portray a seemingly conniving, etc. statement of guilt from a criminal Defendant (McBurney implies Petitioner wanted to cover-up the bank account number the bills were being deposited into (**A TOPIC PETITIONER NEVER BROUGHT UP**)).

At the same time McBurney desperately tried to falsify the record, McBurney refused to address the forged (counterfeited) USSS letter. As McBurney was aware, **ONE OF THE THINGS LISTED in Petitioner's Motion to Strike** was the forged (counterfeited) USSS letter. **WHY DID MCBURNEY PRETEND AS IF THE USSS LETTER DIDN'T EXIST?** McBurney had other situations to address the forged (counterfeited) USSS letter. **Each time, McBurney strategically pretended as if the USSS letter didn't exist (A.K.A. COVER-UP, ETC.).**

v. Attempting to falsely accuse Petitioner of crime(s)

On November 27, 2023, McBurney stated:

> "During the -- during the period from October 23 through today, Mr. Prete has, as I said, sent numerous motions and e-mails. One of the e-mails indicated that he was filing a complaint against me with Judicial Tenure and Fitness. I want to put on the record that I'm aware of that **threat**." (Emphasis Added).

As an extremely brief background, before the October 25, 2023 hearing (where McBurney refused to address Petitioner's EMERGENCY motions, defamed Petitioner, falsified the record, etc.), Petitioner's EMERGENCY motion to dismiss was submitted on October 19, 2023. Superior Court Clerk Stephen Burke e-mailed Petitioner refusing to schedule Petitioner's motions (claiming Petitioner needed to be arraigned first (despite court rules contradicting clerk's claim)). On October 23, 2023 (the day of Petitioner's arraignment), Magistrate Burke (unknown if any relation to Clerk Burke) declared he had knowledge of Petitioner's EMERGENCY motions (including EMERGENCY Motion to Dismiss) however proceeded without addressing Petitioner's EMERGENCY motions. When Petitioner specifically asked for his Emergency Motions to be addressed, Burke said he could only schedule it to be heard (by a different Judge) on November 15, 2023 (over THREE WEEKS from then) (**THEY WERE PURPOSELY DRAGGING OUT PETITIONER'S MOTIONS**). When Petitioner repeated that they were EMERGENCY Motions, Burke reluctantly stated they could be heard in two (2) days (on October 25, 2023). When Petitioner reminded Burke they were EMERGENCY Motions and specifically asked for his EMERGENCY Motions to be addressed that day (October 23, 2023) (which, per court procedure, Emergency Motions are addressed same day), Burke not only refused but falsely claimed that Emergency Motions cannot be heard same day. Keep in mind, **Petitioner's arraignment occurred in the morning of October 23, 2023**

and Assistant AG Mark Benjamin was present at Petitioner's arraignment (as Court documentation reflects) (the specific person who brought this fraudulent, etc. case, the specific person who knowingly suborned perjury in order to bring this fraudulent, etc. case, **THE SPECIFIC PERSON WHO SUBMITTED THE KNOWINGLY FORGED (COUNTERFEITED) DOCUMENT IN ORDER TO BRING THIS FRAUDULENT, ETC. CASE**, etc.) thus it was early in the day with both parties present.

As McBurney was aware, the e-mail he was referencing is Petitioner's e-mail dated November 15, 2023 at 1:28PM which was sent to Chairpersons Jeffrey Lanphear and Thomas Liguori and other members of the RI Commission on Judicial Tenure and Discipline and Disciplinary Board Members. Unlike McBurney's ways, Petitioner had the class to "cc" McBurney on Petitioner's e-mail complaint to the RI Commission (thus, unlike what RIJ has done against Petitioner, Petitioner provided McBurney advance knowledge of what Petitioner's complaint consisted of (**e.g. things like McBurney intentionally refusing to address Petitioner's EMERGENCY motions, purposely keeping Petitioner's motions in limbo, etc. (AS MCBURNEY WAS AWARE, PETITIONER'S MOTIONS (INCLUDING PETITIONER'S MOTION TO DISMISS) DEMONSTRATED THE ALLEGED AUGUST 3, 2023 USSS LETTER WAS A FORGERY (A COUNTERFEIT), ESTABLISHED THAT PETITIONER IS COMPLETELY INNOCENT (AND NO CRIME WAS**

COMMITTED), ESTABLISHED THAT THE STATE COMMITTED FEDERAL FELONY CRIMES, ETC., ETC.)) and provided McBurney sufficient opportunity to address the complaint). Instead, McBurney takes Petitioner's lawyerly actions, etc. and knowingly creates a narrative that doesn't exist. McBurney's premeditative insertion into the record that Petitioner threatened him (a Judge) is an outright LIE. McBurney CONCEALS ACTUAL CRIMES committed by the State and MAKES UP CRIMES against Petitioner.

On November 27, 2023, McBurney (who should have recused himself given his ALREADY demonstrated bias, etc. against Petitioner, the open complaint against him submitted by Petitioner, etc.) not only denied all of Petitioner's motions (in retaliation (further demonstrating McBurney's bias, etc. against Petitioner and the need for McBurney's recusal)) but **MCBURNEY PROCEEDED AS IF THE ALLEGED USSS LETTER (which was not only referenced in Petitioner's motions but is part of Prosecution's Information Charging Package ('Exhibit #11')) DID NOT EXIST (A.K.A. COVER-UP, ETC.).**

vi. ETC.

See Petitioner's Habeas (Dated December 20, 2024) for more.

There is also Petitioner's outstanding Motion to Recuse (submitted OVER A YEAR AGO) against McBurney (given McBurney's demonstrated conduct) which McBurney refuses to address. McBurney is also currently the subject of a subpoena request by Petitioner regarding McBurney being, among other things, a witness to federal felony crimes committed by the State against Petitioner. ETC.

McBurney isn't the judge currently assigned to Petitioner's case. Associate Justice David Cruise has been assigned to Petitioner's case. Over 24 hours before McBurney's hearing was scheduled, Petitioner went out-of-his-way and voluntarily advised Cruise (via a letter to Cruise filed in the court record) of RISC's decision, advised Cruise of the ongoing appellate nature of Petitioner's case (including Petitioner's right to appeal RISC's decisions to SCOTUS, the deadline by which to appeal (with citation to SCOTUS rules)), reminded Cruise that evidence (from USSS (which Petitioner provided in the letter)) establishes that the document upon which Prosecution's entire case rests is a forgery (counterfeit) (federal felony crimes) by the State, etc. (see App.44). **Instead of Cruise addressing the State's forgery, etc. (which would lead to automatic dismissal of Prosecution's fraudulent, etc. case, criminal charges against the State, etc., etc.), SUDDENLY MCBURNEY (the same person who, among other things, at the onset of the case, aided and abetted the State's federal felony crimes and made sure Prosecution's knowingly fraudulent, etc. case proceeded** and the same person who RISC, in their disbarment order

against Petitioner, used to justify Petitioner's disbarment and went out of its way to attempt to rehabilitate (e.g. falsely claiming things like "...the petitioner made unsupported accusations of corrupt and fraudulent conduct by the magistrate [McBurney]...[which were] unprofessional and contrary to the petitioner's responsibilities as an officer of the Court." (Emphasis Added) despite the evidence of McBurney crimes, etc.)) **SWOOPED IN** and a hearing titled "Advisement [to Defendant of] Supreme Court Decision" (which appears meant for POST-CONVICTION RISC appeal determinations) was scheduled. Setting aside the absurdity (Petitioner ALREADY HIMSELF informed the lower court of RISC's decision yet the lower court schedules a farce hearing to inform PETITIONER of RISC's decision), if the lower court feels the overwhelming desire to advise Petitioner of RISC's decision, there is a court FILING mechanism to do so:

"Letter Defendant Advised of Supreme Court Decision"

Petitioner has proof of such mechanism. As the labeling suggests, a LETTER advising Petitioner of RISC's decision; there's no need for a hearing.

Frivolous hearings keep being invented by RIJ so as to have ongoing opportunities for set-ups (as has been already proven with past hearings (which were forced under threat of arrest)).

Given RIJ's documented history of repeated attempted set-ups against Petitioner, given McBurney's documented history of targeting, etc. Petitioner, etc., the March 25, 2025 hearing is a pre-text for other purposes. Further, as RIJ has demonstrated, irrespective of what Petitioner informs the lower court (e.g. the case is on appeal regarding foundational matters which will moot any further proceedings), the lower court will continue to schedule repeated farce hearings (as they have already done (e.g. July 3, 2024, etc.)) so they can continue with ongoing opportunities to ensure Petitioner is ended. In addition to ensuring Petitioner has time to attempt to address the issues for SCOTUS's review, an immediate stay is needed to merely ensure Petitioner's safety.

III. Issuance of Stay Would Be In Respondent's Interest

Not only wouldn't Respondent be affected by issuance of a stay, a stay would be in Respondent's interest. Among the responsibilities of Respondent is to ensure Petitioner's is afforded Due Process, etc., Justice is done, etc. In this case, however, Respondent has bent over backwards to ensure Petitioner is deprived of Due Process, etc. Respondent has suborned perjury, submitted a document Prosecution knew was criminally forged by the State (the State committed federal felony crimes, etc.) (without such document, Prosecution would have no case), admitted to withholding evidence (including exculpatory evidence), violated court rules, etc.

Stays are frequently granted in criminal cases.

For Respondent to object to a stay to address such fundamental Due Process, etc. issues would be an admission of guilt knowing the crimes, etc. having been committed by Respondent, etc.

IV. A Stay Would Advance the Public Interest

A stay would advance the public interest. For example, as indicated above, RISC's orders aren't Petitioner specific. RISC's orders affect EVERY criminal defendant in R.I. In order to attempt to assure the issues are presented properly for SCOTUS's review and, ultimately, reversed (and, therefore, ensuring the rights of ALL R.I. criminal defendants are protected), Petitioner cannot be constantly side-tracked (to say the least) with ongoing RIJ knowingly frivolous hearings meant for, as demonstrated above and in Petitioner's other filings (see e.g. Habeas (Dated December 20, 2024)), RIJ to have ongoing opportunities to derail Petitioner's case (including appeals to SCOTUS), etc.

Conclusion

In the interest of justice and for good cause shown, for the extraordinary circumstances (which are beyond Petitioner's control) and reasons briefly discussed herein, SCOTUS should order an immediate stay of proceedings against Petitioner in the Rhode Island Superior Court, including but not limited to the hearing scheduled for March 25, 2025 at 9:30AM (which was spontaneously and

unnecessarily scheduled). If necessary, the Court should, as is SCOTUS's frequent practice, also enter a temporary administrative stay of proceedings while this stay application is considered.

Respectfully,

Michael Prete
782 Boston Neck Road
Narragansett, RI 02882
March 18, 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. 2024-299-C.A.

State of Rhode Island :

v. :

Michael Prete. :

O R D E R

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

The appellant's motion for an extension of time to file his Rule 12A statement filed on January 15, 2025, as prayed, is denied as moot.

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 C

Supreme Court

No. 2024-235-C.A.

State of Rhode Island :

v. :

Michael Prete. :

O R D E R

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 D

Supreme Court

No. 2024-299-C.A.

State of Rhode Island :

v. :

Michael Prete. :

O R D E R

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 E

STATE OF RHODE ISLAND
SUPREME COURT

STATE OF RHODE ISLAND	:	
	:	
v.	:	**SU-2024-0235-CA**
	:	**(P2-2023-3243A)**
MICHAEL PRETE	:	

MEMORANDUM OF LAW IN SUPPORT OF STATE'S MOTION TO DISMISS

The State of Rhode Island moves to dismiss this appeal because it constitutes an impermissible interlocutory appeal.

BACKGROUND

On October 23, 2023, the State filed a Criminal Information charging defendant-appellant Michael Prete with two counts of knowingly publishing, passing, or tendering in payment as true, a false, forged, altered or counterfeit one-hundred-dollar bill with the intent to defraud, *see* R.I. Gen. Laws § 11-17-3. *See* Criminal Information No. P2-2023-3243A; Docket: P2-2023-3243A at 1 (Exhibit 1).

This is Prete's appeal of a Judgment or Order dated "May 6, 2024/April 16, 2024" that he asserts entered in P2-2023-3243A. *See State v. Prete*, No. P2-2023-3243A, Notice of Appeal dated May 28, 2024 (Exhibit 2 at 2). In a memorandum that he filed in support of an emergency motion for stay in SU-2024-0152-MP, Prete asserted that the May 6 date referenced "Associate Justice Linda Rekas Sloan's May 6, 2024 statement requiring the Defendant to appear at Pre-Trial Conferences," and that the April 16 date referenced the dismissal of his appeal of a magistrate's decisions denying his motion to dismiss and various other pretrial

motions. *See State v. Prete*, SU-2024-0152-MP, Appellant's Memorandum In Support Of Emergency Motion For Immediate Stay Order dated May 31, 2024, at 3 ("Prete's Stay Memo.") (Exhibit 3); *see also* Notice Of Appeal From Decisions Of Magistrate dated Dec. 17, 2023 (P2-2023-3243A).

ARGUMENT

Section 9-24-1 of the General Laws permits a party aggrieved by a "final judgment, decree, or order of the superior court" to appeal to this Court. R.I. Gen. Laws § 9-24-1. "Interlocutory orders are those that are provisional or temporary, or that decide some intermediate point or matter but are not a final decision of the whole matter." *Simpson v. Vose*, 702 A.2d 1176, 1177 (R.I. 1997). Interlocutory appeals are generally "premature and therefore cannot be entertained." *State v. Jenison*, 122 R.I. 142, 145, 405 A.2d 3, 5 (1979).

In this case, Prete is appealing the purported "May 6, 2024/April 16, 2024" pretrial orders that he claims required him to appear at pretrial conferences and denied various pretrial motions, including, but not limited to, a motion to dismiss. *See* Notice of Appeal; Prete's Stay Memo. at 3. Neither order constitutes a "final judgment, decree, or order of the superior court" that may be appealed to this Court under § 9-24-1.

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)).

This exception does not apply here. Prete did not move to dismiss the underlying charges on double jeopardy grounds. He instead moved to dismiss the counterfeiting charges because he believed that the State submitted "provably falsified evidence in order to bring the fraudulent, etc. prosecution against the Appellant" and refused to "to turn over evidence (including exculpatory evidence) which establishes that not only is the Appellant innocent of all charges but that NO CRIME WAS COMMITTED, etc., etc., etc." Prete's Stay Memo. at 3.

Prete has not claimed that a trial on the two counterfeiting charges would violate the Double Jeopardy Clause. *See* Defendant's Emergency Motion To Dismiss With Prejudice & Defendant's Motion For Sanctions dated Oct. 24, 2023 (P2-2023-3243A); Defendant's Emergency Motion To Dismiss With Prejudice Or (If Inexplicably Denied Despite Glaring Evidence, Etc.) Emergency Motion For Electronic Pre-Arraignment Conference And Arraignment & Defendant's Motion For Sanctions dated Oct. 19, 2023 (P2-2023-3243A). Nor could he since a trial in P2-2023-3243A would not constitute a second prosecution on either charge and Prete does not face multiple punishments for the same offense. *See State v. One 1990 Chevrolet Corvette VIN: 1G1YY3388L5111488*, 695 A.2d 502, 505 (R.I. 1997) (*citing United States v. Halper*, 490 U.S. 435, 440 (1989)). To the extent that Prete is

aggrieved by the denial of his motion to dismiss, he may raise that claim on direct appeal if he is convicted at trial.

CONCLUSION

For these reasons, this Court should summarily dismiss defendant-appellant Michael Prete's appeal because it constitutes an improper interlocutory appeal.

Respectfully submitted,

STATE OF RHODE ISLAND
By Its Attorneys,

PETER F. NERONHA
ATTORNEY GENERAL

/s/ Christopher R. Bush

Christopher R. Bush (#5411)
Assistant Attorney General
Office of the Attorney General
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cbush@riag.ri.gov

Date: September 27, 2024

CERTIFICATE OF SERVICE

I certify that, on September 27, 2024, I filed this memorandum through the electronic filing system and served a copy through that system on, or mailed a copy to, defendant-petitioner Michael Prete. This document is available for viewing and/or downloading from the Rhode Island Judiciary's electronic filing system.

/s/ Christopher R. Bush

STATE OF RHODE ISLAND
SUPREME COURT

STATE OF RHODE ISLAND	:	
	:	
v.	:	**SU-2024-0299-CA**
	:	**(P2-2023-3243A)**
MICHAEL PRETE	:	

MEMORANDUM OF LAW IN SUPPORT OF STATE'S MOTION TO DISMISS

The State of Rhode Island moves to dismiss this appeal because it constitutes an impermissible interlocutory appeal.

BACKGROUND

On October 3, 2023, the State filed a Criminal Information charging defendant-appellant Michael Prete with two counts of knowingly publishing, passing, or tendering in payment as true, a false, forged, altered or counterfeit one-hundred-dollar bill with the intent to defraud, *see* R.I. Gen. Laws § 11-17-3. *See* Criminal Information No. P2-2023-3243A; Docket: P2-2023-3243A at 1 (Exhibit 1).

This is Prete's appeal of an Order that the Superior Court entered in P2-2023- 3243A on July 3, 2024. See State v. Prete, No. P2-2023-3243A, Notice of Appeal dated July 23, 2024 (Exhibit 2 at 2). The Superior Court entered the July 3 Order pursuant to R.I. Gen. Laws § 40.1-5.3-3 and it requires Prete to undergo a

competency examination.[1] *See* Order For Competency Examination dated July 3, 2024 ("Order") (Exhibit 3); Transcript dated July 3, 2024 (Exhibit 4).

ARGUMENT

Section 9-24-1 of the General Laws permits a party aggrieved by a "final judgment, decree, or order of the superior court" to appeal to this Court. R.I. Gen. Laws § 9-24-1. "Interlocutory orders are those that are provisional or temporary, or that decide some intermediate point or matter but are not a final decision of the whole matter." *Simpson v. Vose*, 702 A.2d 1176, 1177 (R.I. 1997). Interlocutory appeals are generally "premature and therefore cannot be entertained." *State v. Jenison*, 122 R.I. 142, 145, 405 A.2d 3, 5 (1979).

In this case, Prete is appealing the July 3 Order requiring him to undergo a competency examination. *See* Notice of Appeal; Appellant's Memorandum In Support Of Emergency Motion For Immediate Stay Order dated Aug. 23, 2024, at 3 (SU-2024-0259-MP). The order does not constitute a "final judgment, decree, or

---

[1] In a memorandum that Prete filed in support of an emergency motion to stay the July 3, 2024, order in SU-2024-0259-MP, Prete described the order as follows:

> The July 3, 2024 Order being appealed is [Associate Justice] Rekas Sloan's unconstitutional, etc. modification (issued effectively without notice, opportunity, etc., openly in retaliation of the Appellant's First Amendment Free Speech, etc.) of the Appellant's bail conditions, **INJUNCTION** ordering (under illegal threat of arrest, in violation of RI Law, etc., etc.) the Appellant (an attorney) be put through (against his will) a psychological evaluation, etc. all in an effort to, at a minimum, among other things, unconstitutionally strip the Appellant of his Constitutional, etc. right to proceed pro se.

Appellant's Memorandum In Support Of Emergency Motion For Immediate Stay Order dated Aug. 23, 2024 at 2 (SU-2024-0259-MP). This Court denied Prete's emergency motion for a stay on September 6. *See* Order dated Sept. 6, 2024, at 1 (SU-2024-0259-MP).

order of the superior court" that may be appealed to this Court under § 9-24-1. Prete did not cite to any contrary authority in the memorandum that he filed in support of his emergency motion for a stay, but rather argued, that the July 3 Order constitutes an injunction that is immediately appealable. *See* Appellant's Memorandum In Support Of Emergency Motion For Immediate Stay Order dated Aug. 23, 2024, at 2-3 (SU-2024-0259-MP).

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)). This exception does not apply here.

For these reasons, this Court should summarily dismiss defendant-appellant Michael Prete's appeal because it constitutes an improper interlocutory appeal.

Respectfully submitted,

STATE OF RHODE ISLAND
By Its Attorneys,

PETER F. NERONHA
ATTORNEY GENERAL

/s/ Christopher R. Bush

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cbush@riag.ri.gov

Date: October 2, 2024

CERTIFICATE OF SERVICE

I certify that, on October 2, 2024, I filed this memorandum through the electronic filing system and served a copy through that system on or mailed a copy to defendant-petitioner Michael Prete. This document is available for viewing and/or downloading from the Rhode Island Judiciary's electronic filing system.

/s/ Christopher R. Bush

APPENDIX G

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)

-Appellant's Appeal #1? Bush's Answer: Interlocutory (See Bush's Memorandum Dated September 27, 2024 for Case #SU-2024-0235-CA)

-Appellant's Appeal #2? Bush's Answer: Interlocutory (See Bush's Memorandum Dated October 2, 2024 for Case #SU-2024-0299-CA)

As Appellant has already exposed (see Appellant's "Memorandum in Support of Emergency Motion for Immediate Stay Order (SU-2024-0259-MP)" (Dated August 23, 2024)), **Bush uses the argument of "Interlocutory" despite knowing it has NO RELEVANCE to the matters at hand.** Further, Bush will, as briefly demonstrated below, lie, conceal evidence, etc. to ensure his false argument is successful.

Bush's Motion to Dismiss must be denied (with prejudice) for: (1) Prematurity; (2) Intentionally Concealing Legal Authority Directly Adverse to the State; (3) Presenting a Knowingly Fraudulent Argument; (4) Violating Court Rules; (5) Violating Ethics, Etc. Rules; (6) ETC.

Before those reasons are briefly discussed, a brief background.

Bush had known about the existence of Appellant's impending appeal since before the appeal was even docketed in this Court (the appeal was docketed on August 2, 2024). In fact, Bush's September 27, 2024 Motion to Dismiss is practically identical to Bush's "Memorandum in Opposition" **Dated June 4, 2024** for Case #SU-2024-0152-MP. Further, based on the time stamp contained in Bush's Motion filings, it

appears Bush has had his fraudulent, etc. Motion to Dismiss ready to be filed within ONE HOUR OF THIS APPEAL BEING DOCKETED on August 2, 2024.

However, Appellant's Rule 12A Statement of Case has yet to be filed. Appellant's Prebrief Statement was due on August 22, 2024 but Appellant timely requested a 30-day extension (in accordance with Court rules). On September 23, 2024, Appellant timely requested an additional 30-day extension (in accordance with Court rules) which Clerk granted on September 24, 2024 (but backdated to September 23, 2024 (as documentation shows)). ETC.

Bush knew Appellant's Rule 12A Statement of the Case had yet to be filed and Appellant had, per Court rules regarding extension requests, until AT LEAST November 22, 2024 to file (see Appellate Rule 20(b)). Why did Bush file his fraudulent, etc. Motion to Dismiss on Friday afternoon, September 27, 2024?

Among other things, Bush had been holding off filing his Motion to Dismiss because, as Bush knew it is, as briefly discussed below, premature (since Appellant hasn't filed his Prebrief Statement (in which will discuss the bases for appeal)), etc. How can you move to dismiss an appeal if you don't know the arguments for appeal? Only after Appellant has AT LEAST filed his Prebrief Statement (in which will discuss the bases for appeal) can Bush submit his Motion to Dismiss.

Why did Bush suddenly decide to ignore the prematurity of his Motion and file anyways?

As Bush (and this Court) was aware, Appellant is concurrently appealing (to SCOTUS) this Court's retaliatory, discriminatory, unconstitutional, etc. order (where Bush was opposing counsel (See Case #SU-2024-0152-MP)) effectively disbarring Appellant because, as this Court itself stated, Appellant dared to expose Judicial corruption (including corruption by Bush, etc. (which Bush's recent filings further reinforce)). On September 9, 2024, Appellant submitted a request for Extension to SCOTUS. In compliance with SCOTUS rules, Appellant provided Bush with a copy of the request. SCOTUS granted the request on September 16, 2024 and gave Appellant until November 25, 2024.

In other words, on September 16, 2024 and September 24, 2024, Bush, etc. saw that the MONTHS long derailment the State intentionally caused upon Appellant which diverted Appellant's attention away from Appellant's SCOTUS appeal were effectively to little avail since, because of Appellant's efforts, Appellant would have about two months to address both this Court's and SCOTUS's appeals. Bush, etc. can't have that. The State submitted ANOTHER knowingly frivolous (fraudulent) matter to intentionally divert Appellant's attention away from his SCOTUS appeal.

Have any doubts? Here's more.

Expecting Appellant to have urgently responded to Bush's fraudulent, etc. September 27, 2024 Motion to Dismiss (after all, if this Court granted Bush's Motion, there goes Appellant's entire case before it even begins), at 10AM on October 2, 2024 (less than three business days later), with Appellant not having filed a response, Bush filed a SECOND Motion to Dismiss (this time for Appellant's second (separate and distinct) appeal (Case #SU-2024-0299) (despite the appeal having JUST been docketed ONE WEEK earlier)). Bush's October 2, 2024 Motion to Dismiss is shorter but otherwise **practically word-for-word identical to his September 27, 2024 Motion**.

Note:

-Bush's September 27, 2024 Motion to Dismiss (for this appeal (Case #SU-2024-0235-CA)) was filed on **September 27, 2024**

-Bush filed his appearance for Case #SU-2024-0299 on **September 27, 2024**

-Bush's October 2, 2024 Motion to Dismiss (for Case #SU-2024-0299) is practically word-for-word identical to his **SEPTEMBER 27, 2024** Motion to Dismiss (for Case #SU-2024-0235-CA)

Why didn't Bush file **BOTH** of his Motions to Dismiss on **September 27, 2024**?

As briefly noted below, Bush, etc. didn't want to have to resort to his October 2, 2024 Motion to Dismiss just yet because, in order to try to bring that Motion, Bush had to commit MORE fraud, concealment of evidence, etc., etc., etc. (thus, providing Appellant with more evidence, etc.).

Unfortunately for Bush, etc., in addition to adding additional counts of fraud, concealment of evidence, harassment, etc., etc., etc., Bush's actions reinforce things like Appellant's above brief discussion regarding the State's, etc. attempts to divert Appellant's attention away from Appellant's SCOTUS appeal. Review the facts:

-Bush's October 2, 2024 Motion to Dismiss filing (submitted just ONE WEEK after that appeal had been docketed) demonstrates Bush's ability to swiftly file his motion

-based on the time stamp contained in Bush's Motion filings, it appears Bush has had his fraudulent, etc. September 27, 2024 Motion to Dismiss ready to be filed within ONE HOUR OF THIS APPEAL BEING DOCKETED on August 2, 2024

-Bush's September 27, 2024 Motion to Dismiss is practically identical to Bush's "Memorandum in Opposition" **Dated June 4, 2024** for Case #SU-2024-0152-MP

-ETC.

If Bush was able to submit his Motion to Dismiss on October 2, 2024 for an appeal that was docketed on September 24, 2024 (a difference of only 8 days), why didn't, given the above (e.g. timestamps, identical, etc.), Bush submit his September 27, 2024 Motion to Dismiss on, say, August 12, 2024 for this appeal that was docketed on August 2, 2024 (August 10, 2024 (8 days) is a Saturday)? After all, again, his September 27, 2024 Motion is practically identical to his "Memorandum in Opposition" **Dated June 4, 2024** for Case #SU-2024-0152-MP, time stamp shows it appears Bush had the Motion ready within ONE HOUR of this Appeal being docketed on August 2, 2024, etc. Why did Bush file on September 27, 2024? Again, as stated above:

> On September 16, 2024 and September 24, 2024, Bush, etc. saw that the MONTHS long derailment the State intentionally caused upon Appellant which diverted Appellant's attention away from Appellant's SCOTUS appeal were effectively to little avail since, because of Appellant's efforts, Appellant would have about two months to address both this Court's and SCOTUS's appeals. Bush, etc. can't have that. The State submitted ANOTHER knowingly frivolous (fraudulent) matter to intentionally divert Appellant's attention away from his SCOTUS appeal.

Need more proof?

Refer to RI Supreme Court Case #SU-2022-0257-CA. That case was a criminal appeal in which Bush represented the State. That case was docketed on September 6, 2022. After making requests for extension, opposing counsel in that case submitted their Rule 12A Statement of Case on December 1, 2022 (Three (3) MONTHS after the case had been docketed). On December 2, 2022 (the next day), Bush submitted his "Omelet de fromage" (Interlocutory) Motion to Dismiss. As Bush's Memorandum (Dated December 2, 2022) made clear, despite Bush knowing what Order was being appealed (an "Order Denying Motion to Suppress" (Dated August 23, 2022)), despite Bush entering his appearance in the appeal on September 9, 2022, etc., Bush complied with court rules and waited through opposing counsel's requests for extension, etc. and ONLY filed his Motion AFTER opposing counsel filed their Rule 12A Statement of Case. Why is Bush acting differently here? Again, see above brief discussion.

1. PREMATURITY

Even before Appellant AGAIN demonstrates Bush's knowing FRAUD, etc., as this Court is aware, Bush's Motion is PREMATURE and must be denied.

Bush claims Appellant's appeal must be dismissed because Bush fraudulently, etc. claims the appeal is interlocutory. However, as Bush is aware, Appellant has yet to submit his Rule 12A Statement of Case (in which will discuss the bases for appeal).

Even if Bush believes he has developed the ability to read minds, Bush must wait until AT LEAST Appellant has filed his Prebrief Statement.

Bush's Motion to Dismiss:

> "...asks this Court to waive the prebriefing process and/or any other requirements that ordinarily govern appeals in this Court."

If those words sound familiar to Bush, they should. Those were Bush's own words when, in a different case, he opposed a criminal Defendant's desire to waive this Court's prebriefing process. Amazing how Bush followed rules when it served his purposes.

Here, Bush claims he may bypass court procedure because he thinks (key word: THINKS) he knows Appellant's reasons for appeal because of Appellant's "Memorandum in Support of Emergency Motion for Immediate Stay Order" (Dated May 31, 2024) (Case #SU-2024-0152-MP). Appellant's Requests for Stay is IRRELEVANT to Appellant's Prebrief Statement and subsequent Briefing Statement(s). Appellant's Prebrief Statement (which has yet to be filed) and subsequent Briefing Statement(s) are the controlling documents; nothing else. Again, Bush must wait until AT LEAST Appellant has filed his Prebrief Statement.

To again quote Bush from his previous case:

> "[T]his case should proceed in the ordinary course, and [Appellant] should be required to file a prebriefing statement consistent with this Court's [] Prebriefing Notice, and in accordance with Rule 12A of the Rules of Appellate Procedure."

In other words, **BUSH HIMSELF EFFECTIVELY ADVOCATES FOR THE DENIAL OF BUSH'S CURRENT MOTION.**

As a side note, the denial of Bush's Motion as PREMATURE should've occurred MONTHS AGO automatically by this Court immediately after Bush's prima facie premature motion was filed and without Appellant's need to file an objection/response. Appellant has firsthand experience of this Court's capability to do so. For example, in Case #SU-2024-0147-MP, this Court denied Appellant's Motion for Stay within only six and a half HOURS by fraudulently, etc. claiming it was PREMATURE (despite having (and Appellant's Motion pointing to) evidence showing otherwise) and Bush never had to submit ANY filing whatsoever.

2. INTENTIONALLY CONEALING LEGAL AUTHORITY DIRECTLY ADVERSE TO THE STATE

We arrive back to Bush's "Omelet de fromage": Interlocutory.

Before Bush's fraudulent argument is briefly addressed, it speaks volumes that even AFTER Appellant PREVIOUSLY ALREADY exposed (TO THIS COURT

(WHICH BUSH RECEIVED A COPY OF)) Bush's fraudulent argument, etc., Bush CONTINUES advancing the SAME fraudulent argument, etc. Emboldened by this Court's effective endorsement, etc. of his fraud, etc., Bush continues with his lies, etc.

Bush begins by stating:

> "Section 9-24-1 of the General Laws permits a party aggrieved by a 'final judgment, decree, or order of the superior court' to appeal to this Court. R.I. Gen. Laws § 9-24-1."

Bush then falsely claims Appellant's appeals are interlocutory and, therefore, cannot be appealed. Bush furthers his fraud by falsely claiming:

> "[Only o]ne exception exists to the general prohibition against interlocutory appeals filed by defendants in criminal cases: [Double Jeopardy]"

Before case law directly contradicting Bush's LIE is briefly discussed, among other things, turn to non-other than the very same Title (9) and Chapter (24) Bush cites. As Appellant has ALREADY exposed, Section 9-24-7 states (in full):

> "**Whenever**, upon a hearing in the superior court, **an injunction shall be granted** or continued, or a receiver appointed, or a sale of real or personal property ordered, **by an interlocutory order or judgment**, or a new trial is ordered or denied after a trial by jury, **an appeal may be taken from such order or judgment to the supreme court in like manner as from a final judgment**, and the appeal shall take precedence in the supreme court." (Emphasis Added).

The highlighted portions are what the average person would call, wait for it: AN EXCEPTION. Woah!

It's not as if Bush could have missed this EXCEPTION since **SECTION 9-24-7 (WHICH IS LABELED "Appeals from interlocutory orders and judgments")** directly follows Bush's cited Section 9-24-1 (Sections 9-24-2 through 9-24-6 were repealed by RI Congress).

Bush LIED that there is ONLY ONE exception despite knowing there are statutory exceptions in the VERY NEXT SECTION. Again, Appellant ALREADY went through this in his previous filing (See Appellant's "Memorandum in Support of Emergency Motion for Immediate Stay Order (SU-2024-0259-MP)" (Dated August 23, 2024)) yet Bush CONTINUES with his LIE.

In fact, to show the extent to which Bush will go to pretend as if Section 9-24-7 doesn't exist, look to Bush's October 2, 2024 Motion to Dismiss (regarding Case #SU-2024-0299-CA). Despite Bush quoting and referencing Appellant's "Memorandum in Support of Emergency Motion for Immediate Stay Order (SU-2024-0259-MP)" (Dated August 23, 2024) (the very document in which Appellant discusses Section 9-24-7), Bush's October 2, 2024 Motion to Dismiss states:

> "...Prete is appealing the July 3 Order requiring him to undergo a competency examination. *See* Notice of Appeal; Appellant's Memorandum In Support of Emergency Motion For Immediate Stay Order dated Aug. 23, 2024, at 3 (SU-2024-0259-MP). The order does not constitute a 'final judgment, decree, or order of the superior court' that may be appealed to this Court under § 9-24-1. Prete did not cite to any contrary authority in the memorandum that he filed in support of his emergency motion for a stay, but rather argued, that the July 3 Order constitutes an injunction that is immediately appealable. *See* Appellant's Memorandum In Support of Emergency Motion For Immediate Stay Order dated Aug. 23, 2024, at 2-3 (SU-2024-0259-MP)." (No Emphasis Added).

To be clear, Bush's above statement specifically points to pages 2 and 3 of Appellant's Memorandum Dated August 23, 2024 and Bush definitely declares:

> "Prete **DID NOT CITE TO ANY CONTRARY AUTHORITY** in the memorandum..." (Emphasis Added).

How is it then that at the end of Page 2 and the beginning of Page 3 (the specific pages Bush points to) of Appellant's Memorandum Dated August 23, 2024, Appellant specifically stated:

> "...this is NOT an interlocutory appeal. **The Appellant's 'Notice of Appeal' (Dated July 23, 2024) is regarding an INJUNCTION which, per R.I.G.L. 9-24-7, is treated as final judgement for appellate purposes**..." (No Emphasis Added).

In other words, **Appellant DID CITE TO AUTHORITY IN THE MEMORANDUM AND DID SO IN THE EXACT PAGES BUSH CLAIMED IT DIDN'T EXIST.**

Take things one step further. Compare the exhibits Bush provides in his September 27, 2024 Motion to Dismiss with the exhibits in his October 2, 2024 Motion to Dismiss:

September 27, 2024 Motion to Dismiss

-Exhibit 1: Case Summary of Case #P2-2023-3243A

-Exhibit 2: Record on Appeal Transmittal & Notice of Appeal

-Exhibit 3: Appellant's Memorandum in Support of Emergency Motion for Immediate Stay Order (Dated May 31, 2024)

October 2, 2024 Motion to Dismiss

-Exhibit 1: Case Summary of Case #P2-2023-3243A

-Exhibit 2: Record on Appeal Transmittal & Notice of Appeal

-Exhibit 3: Order for Competency Examination

-Exhibit 4: Transcript of July 3, 2024 Pre-Trial Conference

To quote Sesame Street:

"One of these things is not like the other[]..."

Notice how Bush includes in his September 27, 2024 Motion to Dismiss a copy of Appellant's Memorandum Dated May 31, 2024 (because Bush refers to statements

contained in Appellant's Memorandum). Why then doesn't Bush include in his October 2, 2024 Motion to Dismiss a copy of Appellant's Memorandum Dated August 23, 2024 (especially considering Bush points to specific pages, quotes, etc. from that memorandum)? A simple demonstration:

> **If Bush were to have included Appellant's Memorandum Dated August 23, 2024 and the reader were to flip to pages 2-3 (as Bush instructs) to see how Appellant supposedly DOESN'T cite to *ANY* authority, the reader would be shocked, etc. to see not only that Appellant DID cite to authority (ON THOSE SPECIFIC PAGES) but the brazenness with which Bush LIES, etc.**

Note, there is a difference between disagreeing with, etc. Appellant's authority and outright **LYING** that Appellant DIDN'T EVEN CITE TO ANY AUTHORITY. **BUSH LIED, CONCEALED EVIDENCE, ETC., ETC., ETC.**

Bush's actions are just the latest in a series of efforts by the RI AG's Office, RI Judiciary, etc. to falsify information, conceal evidence, deny reality, etc. to advance their goals. For example, in the lower court case (P2-2023-3243A):

-Bush's colleague (Special Assistant AG John Perrotta) falsified what court rules stated so the AG's Office could conceal evidence (including exculpatory evidence) from Appellant (which is still being withheld to date)

-Magistrate John McBurney signed a decision issued by himself claiming that CASE LAW (without stating what "case law" he is referring to) states a criminal Defendant is NOT ENTITLED TO EXCULPATORY EVIDENCE (despite well-established 60-year-old SCOTUS case law stating the complete opposite)

-Superior Court Judge Linda Rekas Sloan denied the existence of Appellant's properly filed, accepted, time-stamped, etc. "Notice of Appeal" (Dated May 28, 2024) despite, as documentation shows, seeing it directly in front of her on her computer (see e.g. Appellant's "Sixth Emergency Letter to Associate Justice Rekas Sloan (P2-2023-3243A)" (Dated June 20, 2024) for more)

-Rekas Sloan claimed RI Appellate Rule 11(a) and Rule 12 (governing how and when appeals are docketed in this Court) do not exist (Rekas Sloan even went so far as to claim Appellant was "magical[ly]" making up those rules and, effectively, lying to a Judge)

-ETC.

It gets better.

At an RI Bar Association Annual Meeting, Bush was one of six panel members (among which included former RI Supreme Court Chief Justice Frank Williams, future RI Bar President Nicole Benjamin, etc.) for a seminar regarding "Appellate Practice for Trial Lawyers."

As is obvious, presenters are usually people with experience and/or expertise in the given subject area. Nicole Benjamin posted on her firm's website highlights from her presentation which includes her "...top five appellate practice tips based on decisions from the [] Rhode Island Supreme Court..."

Among those top five is:

> "As a general rule (there are some exceptions), orders entered by the trial court are not appealable until the case has concluded and a final judgment has entered. The rule is designed to promote judicial efficiency and prevent piecemeal adjudication of disputes.
> *See* https://www.apslaw.com/on-appeal/category/final-judgment-rule/" (No Emphasis Added).

When one goes to the web address Nicole Benjamin provided, the reader will find the following:

> **"(2) COMMON LAW AND STATUTORY EXCEPTIONS TO THE FINAL JUDGMENT RULE.**
> There are both common law and statutory exceptions to the final judgment rule. The Court 'may hear an appeal from an interlocutory order if public policy considerations warrant or if immediate action is necessary in order to avoid imminent and irreparable harm.' *Furtado v. Laferriere*, 839 A.2d 533,

536 (R.I. 2004) (citing *Westinghouse Broadcasting Co. v. Dial Media, Inc.*, 410 A.2d 986, 989 (R.I. 1980)). In addition, an interlocutory order may be considered final for purposes of appeal if the order (1) grants or continues an injunction, (2) appoints a receiver, (3) orders the sale of real or personal property or (4) orders or denies a new trial after a trial by jury. R.I. Gen. Laws § 9-24-7." (No Emphasis Added).

Amazing! Nicole Benjamin's discussion points out **THE SAME SECTION 9-24-7 BUSH CLAIMS DOESN'T EXIST AND THAT BUSH CLAIMS APPELLANT NEVER BROUGHT UP.**

There's more.

Nicole Benjamin's discussion also points to ANOTHER exception: Imminent and Irreparable Harm. Those words sound very familiar. Ah, yes! Those are the same words Appellant discussed on page 3 of Appellant's "Memorandum in Support of Emergency Motion for Immediate Stay Order (SU-2024-0259-MP)" (Dated August 23, 2024) in which Appellant stated:

> "Further, even if Bush were to argue that the Appellant's appeal is interlocutory (and this Court were to agree with Bush's fraudulent, etc. argument), the Appellant would suffer, as briefly noted below, imminent and irreparable harm from Rekas Sloan's Order. Consistent with this Court's precedent (see e.g. DeMaria v. Sabetta, 121 R.I. 648 (1979)), such imminent and irreparable harm overcomes any fraudulent, etc. dispute of interlocutory."

Again, not only did Bush definitively state that NO other exception exists (in essence calling Nicole Benjamin incompetent, a liar, etc.) but page 3 is one of the

pages Bush pointed to to definitively state Appellant DIDN'T EVEN CITE TO ANY AUTHORITY.

But wait, there's more.

The above brief discussion only addresses the OBVIOUS exceptions Bush knew of. There are still other exceptions.

Bush states the ONLY ONE exception the RI Supreme Court will consider is for:

> "...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)..." (No Emphasis Added).

Bush then follows it up with a string-citation (citation of multiple cases) to four (4) other RI Supreme Court cases.

State v. Rose stated:

> "In criminal cases, the only interlocutory appeal that can be properly heard before this Court is the denial of a motion to dismiss based on double jeopardy grounds." State v. Rose, 788 A.2d 1156, 1157 (R.I. 2001)

That false statement of law (as demonstrated below) follows other false statements such as:

> "This issue would 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) (No Emphasis Added).

This Court's evidently nearly half CENTURY old interpretation of *Abney* is 100% false. The following is how the decision in *Abney* effectively concluded:

> "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).

Notice the emphasized portion specifically states ANYTHING may be appealable as long as it TOO fits within the "...collateral-order exception to the final-judgment rule." There is NO limit to ONLY Double Jeopardy.

ETC.

3. PRESENTING A KNOWINGLY FRADULENT ARGUMENT

As stated above, Section 9-24-7 specifically states:

> "**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**..." (Emphasis Added).

Bush's Motion to Dismiss even acknowledges that among those being appealed is Rekas Sloan's:

> "...order[]...requir[ing Appellant] to appear at pretrial conferences..."

In other words, an INJUNCTION (in this case, an order requiring someone to do something).

Bush acknowledges Appellant is appealing an injunctive order. Section 9-24-7 specifically states injunctive orders are treated as "final judgment" for appellate purposes. Therefore, how can Bush's Motion to Dismiss claim:

> "...[Rekas Sloan's injunctive] order [does not] constitute[] a 'final judgment, decree, or order of the superior court' that may be appealed to this Court..."

Recall, again, Appellant has ALREADY addressed this basically identical point in Appellant's "Memorandum in Support of Emergency Motion for Immediate Stay Order (SU-2024-0259-MP)" (Dated August 23, 2024) in which Appellant stated:

> "**The Appellant's 'Notice of Appeal' (Dated July 23, 2024) is regarding an INJUNCTION which, per R.I.G.L. 9-24-7, is treated as final judgement for appellate purposes**..." (No Emphasis Added).

But, then again, as briefly demonstrated above, Bush claims Appellant never made such a statement and Bush concealed evidence in order to make his false claim. Bush continues with his fraud, etc.

4. VIOLATING COURT RULES

Both Bush's Motion to Dismiss (Dated September 27, 2024) and Memorandum in Support (Dated September 27, 2024) state under "**CERTIFICATE OF SERVICE**" (No Emphasis Added) (signed by Christopher Bush):

> "I certify that, on September 27, 2024, I filed this [motion/memorandum] through the electronic filing system and served a copy through that system on, **OR** mailed a copy to, [D/d]efendant-[P/p]etitioner Michael Prete." (Emphasis Added).

Bush REPEATED the same "**CERTIFICATE OF SERVICE**" (No Emphasis Added) (signed by Christopher Bush) for his Motion to Dismiss Dated October 2, 2024 and Memorandum in Support Dated October 2, 2024 for Case #SU-2024-0299-CA.

These are not mistakes by an inexperienced person. The RI AG's filings should have been immediately rejected by the Clerk's Office for non-compliance with court rules. Court rules require definitive specificity regarding how service was completed

(specifically stating whether electronic, mail, or in-person was used); not intentionally vague, maybe, either-or, it could have been, etc. statements like above.

Regarding alleged electronic service, to date, no electronic service of ANY KIND (automated court system e-mail, e-mail from Bush personally, etc.) has been provided to Appellant. Bush's signed certification is effectively perjury.

Regarding Bush's alleged mailed service, any alleged service is not in compliance with Judiciary rules (therefore Bush violated court rules). As Appellant has stated in his filings (which Bush has copies of), **PER JUDICIARY RULES, ANY REGISTERED USER OF THE JUDICIARY'S ONLINE FILING SYSTEM (WHETHER THEY ARE AN ATTORNEY OR NOT) *MUST* BE SERVED ELECTRONICALLY.** Mail service is INVALID.

It also bears noting, Bush's Memorandum filings (Dated September 27, 2024 & October 2, 2024) contain BOTH a Memorandum and Exhibits in the same submission. Why did this Court's Clerk's Office approve of such filing when the same Clerk's Office (in fact, the same clerk) rejected Appellant's filings claiming Appellant's same type of filings needed to be separately filed (e.g. Memorandum filed separately from the Exhibits)? Appellant's filings were rejected and Appellant was told his Motion, Memorandum, and Exhibits needed to be filed as THREE SEPARATE ENTRIES ("1) Motion for Stay 2) Memorandum in Support and 3)

Other (for exhibits)") yet for Bush (the RI AG (a member of the Judiciary's inner-circle)) such requirements are apparently waived. Further evidence of discrimination, etc. by this Court.

5. VIOLATING ETHICS, ETC. RULES

Though a massive understatement, as this Court would say, Bush's filings (containing fraud upon the Court, etc.) were unprofessional and contrary to Bush's responsibilities as an officer of the Court.

But, it appears such statements from this Court are only reserved for Appellant (e.g. this Court falsely accused Appellant of being unprofessional, etc. because Appellant dared to expose Judicial corruption (including corruption by Bush, etc.)).

Bush's filings have violated ethics, etc. rules. For example, as demonstrated above, in violation of Rule 3.3 of the Rules of Professional Conduct, Bush intentionally lied about facts, concealed legal authority that was directly adverse to the State (and such legal authority was directly in support of Appellant), concealed evidence, etc.

Further, this is the SECOND and THIRD time Bush has done this in front of this Court. Appellant even previously submitted a filing to this Court exposing Bush's actions.

Instead of hauling Bush in front of this Court to have Bush, at a minimum, explain his fraud, etc., the same court who provided Appellant with only three business days notice before proceeding to unconstitutionally, etc. effectively strip Appellant of his law license (violating Due Process, Equal Protection, multiple disciplinary rules (e.g. Disciplinary rules declare that the process should take AT LEAST 95 days), etc.) (for, as this Court stated, Appellant daring to expose Judicial corruption (including corruption by Bush, etc.)) stated to Bush (State's counsel):

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

Not shockingly, Bush never filed a response to Appellant's exposure of his fraud, etc.

Even pretending this Court thought Appellant was incorrect, this Court refused to even farce the appearance of neutrality and have Bush attempt to contradict Appellant. Why? Because that's how inescapable Bush's fraud was (as briefly demonstrated above).

Emboldened by this Court's effective endorsement of his fraud, etc., Bush continues with his lies, etc.

Further, as this Court is aware, among other things, the Rules of Professional Conduct PROHIBIT the filing of motions, etc. for the sole purpose to harass, delay, etc. Bush knew, when he filed, that his motions were, at the very least, premature. However, as briefly demonstrated above, Bush intentionally filed his premature motions to harass Appellant, distract Appellant from preparing his Prebrief Statements (Appellant has two appeals before this Court), SCOTUS appeal, etc., etc. Such conduct is itself sanctionable (let alone the combined effect of all of Bush's actions, etc.).

As Appellant stated in his "Memorandum in Support of Emergency Motion for Immediate Stay Order (SU-2024-0259-MP)" (Dated August 23, 2024):

> "It bears noting that nearly identical circumstances were before this Court in the Appellant's previous Emergency Request for Stay (see Case #SU-2024-0152-MP) regarding, among other things, Rekas Sloan's May 6, 2024 Injunctive Order (Rekas Sloan ordered the Appellant to appear at imminent Pre-Trial Conferences or else the Appellant would be arrested). Despite Bush citing to R.I.G.L. 9-24-1 (and therefore being FULLY AWARE of R.I.G.L. 9-24-7), Bush fraudulently, etc. claimed to this Court that the Appellant's appeal was interlocutory in nature and therefore not properly before the Court and should be dismissed. Instead of reprimanding Bush for knowingly deceiving, etc. the Court by presenting a knowingly false argument, etc., this Court not only agreed with Bush, denied the Appellant's Emergency Request for Stay, etc. but, in violation of R.I. Disciplinary rules, the Appellant's Constitutional rights (including openly retaliating against the Appellant's First Amendment Freedom of Speech (speech consisting of exposing corruption, etc.)), etc., effectively disbarred the Appellant (indefinitely suspending the Appellant (itself a violation of Disciplinary rules (e.g. suspensions can only last a maximum of five (5) years)))." (No Emphasis Added).

Also, note, R.I. Chief Disciplinary Counsel Kerry Reilley Travers is receiving a copy of this filing. As this Court and Kerry Reilley Travers are aware, per Disciplinary Rule 5(b)(1), Chief Disciplinary Counsel has the **MANDATORY DUTY**:

> "to investigate all matters involving alleged misconduct which come to his/her attention whether by complaint or otherwise"

In other words, this filing (containing evidence of misconduct, etc. by Bush, etc.) has come to Kerry Reilley Travers's attention and therefore, per Disciplinary Rules, Kerry Reilley Travers has a mandatory duty to investigate Bush, etc.

This filing will be the third time Appellant has provided Kerry Reilley Travers with documents regarding fraud, etc. by Bush (and others). On July 8, 2024 and August 26, 2024, Appellant provided Travers with documents regarding Bush's fraud, etc. Under RI Disciplinary rules, once Bar Counsel received a copy of Appellant's filings, Bar Counsel was under an obligation to investigate. To date, Appellant is unaware of any investigation into Bush, etc.

ETC.

For the reasons stated herein, Bush's Motion must be denied with prejudice.

This filing and this Court's decision will be heading for SCOTUS. As should be obvious, again, ensure the Court's WRITTEN decision documents EACH JUSTICE'S reasoning (e.g. if there are concurrences, dissents, etc., ensure EACH JUSTICE'S reasonings, etc. are included in the written decision). The same way this Court would need the reasoning of a lower court Judge in order to review their decision, the United States Supreme Court will need this Court's reasoning in order to review the decision.

Note, a copy of this filing was submitted with and discussed in Appellant's SCOTUS "Petition for Writ of Certiorari" (Case #24-614) (Dated November 25, 2024) which opposing counsel (Christopher Bush) received a copy of via hard copy (FedEx) as of AT LEAST December 2, 2024 and electronically (Appellant's e-mail) as of December 9, 2024 at 12:51PM. Thus, Bush has had a copy of this filing for AT LEAST TWO WEEKS and, among other things, chose not to rescind his knowingly fraudulent, etc. motions. Also included (cc'ed) on Appellant's e-mail dated December 9, 2024 at 12:51PM were this Court's Justices (directly), etc. Also note, the RI AG's Office (through Katherine Connolly Sadeck (employee of the RI AG's Office)) chose not to file a response to Petitioner's SCOTUS Petition for Writ of Certiorari (Dated November 25, 2024) (Case #24-614) and instead filed a waiver.

/s/ Michael Prete
Michael Prete
782 Boston Neck Road, Narragansett, RI 02882
December 16, 2024

CERTIFICATION

I hereby certify that, on December 16, 2024, I filed and served this document through the electronic filing system to the RI Attorney General and it is available for viewing and/or downloading from the RI Judiciary's Electronic Filing System.

/s/ Michael Prete
Michael Prete
782 Boston Neck Road, Narragansett, RI 02882

STATE OF RHODE ISLAND

PROVIDENCE, SC. **SUPREME COURT**

MICHAEL PRETE Hearing date: December 16, 2024

Appellant

VS. SU-2024-0299-CA

STATE OF RHODE ISLAND

Appellee

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

Given that Bush's (Appellee's) October 2, 2024 Motion to Dismiss Memorandum for this case (SU-2024-0299-CA) is practically word-for-word identical to his September 27, 2024 Motion to Dismiss Memorandum for Case #SU-2024-0235-CA, Appellant incorporates by reference Appellant's "Memorandum in Opposition to Appellee's Motion to Dismiss (SU-2024-0235-CA)" (Dated December 16, 2024) (in its entirety) which is attached hereto and labeled "Exhibit MTDO."

Therefore, for the reasons stated in "Exhibit MTDO" (35 pages), Bush's Motion must be denied with prejudice.

This filing and this Court's decision will be heading for SCOTUS. As should be obvious, again, ensure the Court's WRITTEN decision documents EACH JUSTICE'S reasoning (e.g. if there are concurrences, dissents, etc., ensure EACH

JUSTICE'S reasonings, etc. are included in the written decision). The same way this Court would need the reasoning of a lower court Judge in order to review their decision, the United States Supreme Court will need this Court's reasoning in order to review the decision.

/s/ Michael Prete
Michael Prete
782 Boston Neck Road, Narragansett, RI 02882
December 16, 2024

CERTIFICATION

I hereby certify that, on December 16, 2024, I filed and served this document through the electronic filing system to the RI Attorney General and it is available for viewing and/or downloading from the RI Judiciary's Electronic Filing System.

/s/ Michael Prete
Michael Prete
782 Boston Neck Road, Narragansett, RI 02882

STATE OF RHODE ISLAND

PROVIDENCE, SC. **SUPERIOR COURT**

STATE OF RHODE ISLAND Hearing date: March 10, 2025

VS. **P2-2023-3243A**

MICHAEL PRETE

DEFENDANT'S EMERGENCY LETTER TO ASSOCIATE JUSTICE CRUISE

You have been assigned to Defendant's Case (#P2-2023-3243A). In December 2024, you cancelled all further proceedings for Case #P2-2023-3243A (among other things, given Defendant's Appeals). Your cancellation of all further proceedings currently remains in place.

As you are likely aware, on Friday, March 7, 2025 at approximately 3PM, the Rhode Island Supreme Court ("RISC") denied Defendant's motions for reconsideration. However, as you are also likely aware, per United States Supreme Court ("SCOTUS") Rules 13.1, 13.3, and 13.5, Defendant has up to and including August 4, 2025 (150 days from March 7, 2025 (calculated as: 90 days (Rules 13.1 and 13.3) PLUS up to 60 days of extension (Rule 13.5) (especially given that Defendant has multiple SCOTUS appeals))) to file SCOTUS appeals of RISC's decisions; after which point comes SCOTUS docketing, conference, etc.

As Associate Justice Linda Rekas Sloan has made clear:

> "...pre-trial conferences [are] just to figure out whether there is going to be a plea or whether we're going to go to a trial."

As Defendant already informed Rekas Sloan, and as remains the same, given that Defendant's case remains on appeal:

> "...until this case is fully heard on appeal [(including SCOTUS (which Defendant already previously advised he would pursue))], [Defendant] can't make an informed decision."

As such, your cancellation of all further proceedings for Case #P2-2023-3243A must continue until Defendant's appeals to SCOTUS and any further litigation (including, for example, SCOTUS's remanding of the case for further proceedings consistent with its order(s)) have fully concluded.

Given that you are currently presiding over Defendant's Case (#P2-2023-3243A), this notice is being sent to you via e-mail (directly to you (David Cruise ("dcruise@courts.ri.gov")), Clerk Patricia Sisouphone ("psisouphone@courts.ri.gov"), "Courtroom4@courts.ri.gov" (cc'ing John Perrotta)) subjected "Emergency Letter to Associate Justice Cruise (P2-2023-3243A)" (sent today, March 10, 2025 at approximately 8AM) and via Defendant's court filing "Defendant's Emergency Letter to Associate Justice Cruise (P2-2023-3243A)" (Dated March 10, 2025) **to ensure you are aware of the ongoing appellate nature of Defendant's case.**

For your reference, as you are likely aware by now from Defendant's court filings, among other things, despite the Smithfield Police Department 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 Defendant REMINDED Prosecution a MONTH before Prosecution decided to bring charges), etc., **Prosecution not only decided to bring charges but did so by submitting a document (letter/"affidavit" dated August 3, 2023 allegedly from the United States Secret Service ("USSS")) which Prosecution knew was criminally forged by the State (without such document, Prosecution would have no case).**

As Defendant stated in his "Sixth Emergency Letter to Associate Justice Rekas Sloan (P2-2023-3243A)" (Dated June 20, 2024):

> "**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).** Setting aside obvious defects (exposing its forged nature (e.g. why does the August 3, 2023 letter (which is labeled as an 'Affidavit") contain only a typed signature (not even '/s/ ...,' literally a typed signature (using cursive looking type font)) and not a real signature, no notarization, etc.)), the 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 Defendant's "Seventh Emergency Letter to Associate Justice Rekas Sloan (P2-2023-3243A)" (Dated July 2, 2024) stated:

> "Further, 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. To reiterate, the

State is the one doing ALL the crimes, etc. but the Defendant is the one that has been illegally arrested TWICE, fraudulently, etc. abused, tormented, etc., etc., etc." (No Emphasis Added).

ETC.

/s/ Michael Prete
Michael Prete
782 Boston Neck Road, Narragansett, RI 02882
March 10, 2025

CERTIFICATION

I hereby certify that, on March 10, 2025, I filed and served this document through the electronic filing system to the Rhode Island Attorney General and it is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Michael Prete
Michael Prete
782 Boston Neck Road, Narragansett, RI 02882

No. _____

SUPREME COURT OF THE UNITED STATES

MICHAEL PRETE,

Petitioner,

v.

STATE OF RHODE ISLAND

Respondent.

CERTIFICATE OF SERVICE

I, Michael Prete, certify that on March 18, 2025, a copy of this Emergency Application for Stay Pending Appeal in the above-captioned matter was sent to:

Christopher Bush (Attorney for State)
150 South Main Street
Providence, RI 02903

by depositing a copy of same in a properly addressed package to FedEx.

All parties required to be served have been served.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 18, 2025.

Michael Prete