

Supreme Court

No. 2024-152-M.P.

State of Rhode Island :

v. :

Michael Prete. :

O R D E R

The petitioner was directed to appear before the Court on June 20, 2024, at 9:30 a.m. to show cause why he should not be suspended from the practice of law based on the tenor and content of his filings in this matter. The petitioner failed to appear as directed. He did file, on the morning of the scheduled show cause hearing, what he characterized as an emergency letter, which he indicated was in lieu of an appearance that he represented was not necessary. However, that emergency letter does not excuse the fact that the petitioner failed to comply with this Court's June 13, 2024 Order directing him to appear. After considering the petitioner's failure to appear and the content of his filings before this Court, as detailed *infra*, we deem that cause has not been shown and the petitioner is hereby suspended from the practice of law.

The facts giving rise to this suspension are as follows. The petitioner has been charged 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 in violation of G.L. 1956 § 11-17-3. That criminal case remains pending.

On May 29, 2024, the petitioner filed in this Court (No. 2024-147-M.P.) an emergency motion to stay his criminal case while he pursued an appeal to this Court from the dismissal of his magistrate appeal seeking review of the denial of various motions including a motion to dismiss the case. In the petitioner's memorandum in support of his emergency motion, the petitioner made unsupported accusations of corrupt and fraudulent conduct by the magistrate who ruled on his motions. The emergency motion to stay was denied by the Duty Justice as having been prematurely filed and thus not properly before the Court.

The petitioner then filed a second, nearly identical emergency motion to stay the next day in this case (No. 2024-152-M.P.). The second emergency motion to stay was also denied by the Duty Justice after consideration of the petitioner's filings and the state's response. The petitioner's memorandum and addendums thereto made numerous unsupported allegations of corruption directed at this Court and again at the Superior Court magistrate. In one instance, the petitioner stated that this Court was "going to do whatever it wants regardless of the law, facts, etc." and that "this Addendum is being filed to document this Court's further corrupt etc. actions * * *." The content of the petitioner's filings with respect to this Court, the Superior

Court magistrate, and counsel for the state was unprofessional and contrary to the petitioner's responsibilities as an officer of the Court.

The petitioner then filed a motion to reconsider the denial of his emergency motion. In that filing, the petitioner accused the Duty Justice of bias without any foundation. On June 7, 2024, the motion to reconsider was denied after consideration by the full Court. On the same day, the petitioner filed a second motion to reconsider, which remains pending before this Court. That motion once again accused this Court of being corrupt, demanded that this Court "immediately issue a real decision", and inappropriately demanded the identity of the Duty Justice.

The tenor of the petitioner's filings in this matter has become increasingly confrontational. Additionally, the petitioner's remarks in his filings are contemptuous and demeaning. We cannot overlook the scorn directed at the justices of this Court and a magistrate of the Superior Court. We equally cannot overlook the petitioner's failure to comply with this Court's order directing him to appear. The petitioner's conduct raises serious questions about his present ability to practice law and represent clients in this state. The Preamble to the Rules of Professional Conduct counsels that "[a] lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials."

Due to this Court's concerns as to the petitioner's ability to practice law at this time, it is ordered, adjudged, and decreed that the petitioner, Michael Prete, is hereby

suspended from engaging in the practice of law in this state, effective immediately and until further order of this Court. We refer this matter to the Office of Disciplinary Counsel for any further investigation.

For the sake of clarity, we deem it necessary to note that this suspension is based solely on the content of the petitioner's filings before this Court, his failure to appear, and this Court's resultant concern as to his ability to practice law at this time. It is not based on the fact that criminal charges are pending against the petitioner.

It is further ordered that Kerry Reilley Travers, Esq., Chief Disciplinary Counsel, be appointed as Special Master to take possession of all the petitioner's client files and accounts; to inventory them; and to take whatever steps are necessary to protect the clients' interest, including, but not limited to, returning the files to the clients or new counsel of the clients' choice. The petitioner is ordered, within ***ten (10) days*** of the date of this Order, to provide a full list of the petitioner's clients to the Special Master or, in the absence of any clients, an affidavit so attesting. The petitioner is further ordered, within ***ten (10) days*** of the date of this Order, to cooperate with the Special Master by turning over all client files to the Special Master or, if he does not have any client files, providing an affidavit so attesting.

The petitioner's second "Motion to Reconsider" the denial of his emergency motion for a stay in this matter, as prayed, is denied.

This matter shall be closed.

Entered as an Order of this Court this 27th day of ***June 2024***.

By Order,

/s/ Meredith A. Benoit
Clerk



STATE OF RHODE ISLAND
SUPREME COURT – CLERK’S OFFICE
Licht Judicial Complex
250 Benefit Street
Providence, RI 02903

ORDER COVER SHEET

Title of Case	State of Rhode Island v. Michael Prete.	
Case Number	No. 2024-152-M.P.	
Date Order Filed	June 27, 2024	
Justices	Suttell, C.J., Goldberg, Robinson, Lynch Prata, and Long, JJ.	
Source of Appeal	N/A	
Judicial Officer from Lower Court	N/A	
Attorney(s) on Appeal	For Petitioner:	
	Michael Prete, <i>pro se</i>	
	For Respondent:	
	Christopher R. Bush Department of Attorney General	