

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**



F I L E D

Jul 20 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

In the Matter of

RICHARD ANTHONY PATTI

State Bar Card No. 14667390

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Cause No. 73114

RESPONDENT RICHARD A. PATTI'S
SECOND AMENDED AND UNOPPOSED MOTION FOR CONTINUANCE
OF HEARING SET FOR JULY 31, 2026

TO THE BOARD OF DISCIPLINARY APPEALS:

RICHARD A. PATTI, Respondent, in accordance with Board of Disciplinary Appeals (“BODA”) Internal Procedural Rule 1.09, and in response to the BODA Order dated July 17, 2026 (“the Order”), respectfully submits this second amended motion - without opposition - to continue the hearing in this matter that is presently set for July 31, 2026.

In support hereof, Respondent presents the following:

I.

GROUND ON WHICH MOTION IS BASED

1. Sufficient cause exists to support continuance of the hearing in this case presently set for July 31, 2026, in that relevant and potentially dispositive proceedings are progressing, but have not yet reached a stage of decision or finality, in the underlying matter pending before the 262nd Judicial District Court of Harris County, Texas (“the District Court”).

2. The Presiding Judge of said court only recently appointed a new (second) special counsel to represent the interests of the State, made necessary because of a conflict of interest

with any handling of the matter by the office of the local district attorney - Sean Teare - who was hired by Respondent's older brother (also an attorney licensed in Texas) to secure the criminal charge at issue, in the days just before Mr. Teare took office as Harris County District Attorney ("DA") on January 1, 2025. The subject of the charge is a long-running family dispute between Respondent and his older siblings following the 2022 passing of his mother, who had entrusted everything to Respondent in the handling of affairs for her and her estate for many years. At the time of Respondent's brother's hiring of Mr. Teare as the incoming DA, the wife of Respondent's brother (Respondent's sister-in-law) was pursuing civil litigation against Respondent, from which Respondent's brother and his other older siblings stood to gain direct financial benefit in the outcome of that lawsuit. Their civil action against Respondent was ultimately settled in May 2025, months before entry of the November 2025 order for deferred adjudication and its attendant plea that are the subject of this case.

3. Respondent and his engaged defense counsel in the underlying matter have moved to further modify and raised the issue of termination of the deferred adjudication order and its attendant plea held in abeyance along with dismissal of the charge based on the egregious violation of Respondent's constitutional right to due process with the "prosecutorial vindictiveness" shown by the conflicted-out Harris County DA's Office in their unlawful pursuit and harassment of Respondent over many months, in coordination with the civil litigation attorneys for Respondent's older siblings. For this type of prosecutorial misconduct, Texas law provides that dismissal of the charge is the principal, if not sole remedy. *State vs. Hill*, 558 S.W.3d 280 (Tex. App.—Dallas 2018).

4. Separately, this Board has found that the grievance that Respondent filed with the State Bar of Texas concerning these actions by his older brother, a Texas licensed attorney, with the Harris County DA's Office and Mr. Teare, constitute a complaint of professional misconduct for violation of Rule 4.04 of the Texas Disciplinary Rules of Professional Conduct, which - as this Board is aware - forbids presentment of disciplinary charges or participation in presentment of criminal charges solely to gain advantage in a concurrent civil lawsuit. *See Exh. A.* This Board has directed the Office of the Chief Disciplinary Counsel to further investigate and process Respondent's complaint to determine if just cause exists to proceed for violation of Rule 4.04 or of any other disciplinary rules implicated for misconduct leading to the criminal charge for which the deferred adjudication order and its attendant plea were entered in November 2025. *Id.*; *see also Exh. B.*

5. On June 29, 2026, the Presiding Judge in the underlying matter conducted a hearing and swore in the newly appointed (second) special counsel as Attorney *Pro Tem* - Mr. Kyle Vance, Assistant District Attorney for Galveston County, Texas. *See Exh. C.*

6. Mr. Vance reported to the Court that he had no information yet on the matter and therefore would need some time to collect the background material and become acclimated with the case. The Court thus reset pending issues for its next hearing on July 29, 2026. *See Exh. D.*

II.

INFORMATION REFERENCED IN BODA ORDER OF JULY 17, 2026

7. The Order quotes the below language in Respondent's Motion seeking relief in the form of allowing reasonable time for the District Court and recently appointed Attorney *Pro Tem* to "consider the pending and forthcoming motions to modify and terminate the order for

deferred adjudication and dismiss the underlying charge,” before this Board proceeds with action to suspend or otherwise impair Respondent’s license that will devastate Respondent’s ability to obtain gainful employment or earn an income to sustain his livelihood (Respondent having just emerged from Chapter 7 bankruptcy protection last year), including also the ability to pay the fees of his defense counsel seeking to obtain dismissal of the underlying charge.

8. The Order avers that “Respondent has provided no information about any such motions.” In response, attached here is a complete file-stamped copy of the pending Motion to Modify to which Respondent was referring in the line quoted in the Order. **Exh. E.** The Order then notes reflections in the District Court’s records that consideration of the Motion to Modify is currently on the docket for July 29, 2026, following multiple postponements since the original setting of March 16, 2026.

9. To provide further context and information on the motions to which Respondent has been referring: After the Motion to Modify was filed on March 2, 2026, a rogue assistant district attorney within the Harris County DA’s Office, Mr. Lester Blizzard, sent an unauthorized and highly inappropriate - and arguably unlawful - letter dated March 11, 2026, on the stationery of the Harris County DA, Mr. Teare, to the Presiding Judge of the District Court, injecting himself and the Harris County DA’s Office into the case, when Mr. Blizzard was well aware that the entire Harris County DA’s Office was prohibited and forced to recuse itself months earlier from any involvement in Respondent’s case because of the clear conflict of interest arising from Respondent’s brother’s hiring of the incoming head of that agency, Mr. Teare, to secure the charge just prior to his taking office. This highly inappropriate action by the rogue ADA, Mr.

Blizzard, was perhaps influenced or a result of the fact that following Mr. Teare taking office as the new Harris County DA on January 1, 2025, Respondent's brother then hired Dan Cogdell, the law partner of Mr. Teare during the 2024 election campaign and up until Mr. Teare was sworn in, to continue lobbying the Harris County DA's Office to take action on Respondent's case despite the conflict of interest that precluded its involvement.

10. In effort to clean up this appalling misconduct by the conflicted-out Office of the Harris County DA, the agency's General Counsel - Mr. Josh Reiss - had to step in immediately by filing an "amicus" appearance the following day - on March 12, 2026 - in which he characterized the letter from the rogue ADA, Mr. Blizzard, as having been sent in his "individual capacity." See **Exh. F**. Mr. Reiss then appeared at the hearing conducted in the matter on March 16, 2026, and apologized in open court for the inappropriate and unauthorized actions taken by certain members of the Harris County DA's Office, and he further characterized the situation with how the charge against Respondent was previously handled as "a mess."

11. The District Court then put a hold on any further proceedings - including consideration of Respondent's pending Motion to Modify - until a new special counsel could be appointed, since the attorney *pro tem* whom the Court had originally appointed was already dismissed.

12. Respondent's understanding from his counsel and from the District Court staff is that while the underlying matter has been on hold, Respondent may not move forward with submission of the additional motion to reopen the case and dismiss the underlying charge, which is the other motion to which Respondent was referring in the line quoted in the Order.

Furthermore, prior to moving forward with the planned motion to dismiss, Respondent's counsel first would like the opportunity to confer with the new special counsel, once he is up to speed, to gauge prospects for gaining agreement with the attorney *pro tem* on all or part of the relief sought in Respondent's pending motion to modify and - thereafter - the intended motion to reopen and dismiss the charge.

III. RELIEF SOUGHT

13. Respondent respectfully asks this Board to afford the District Court and the newly appointed attorney *pro tem* the opportunity to collect the necessary background material and evidence, review the file and get up to speed, and carefully consider the pending and forthcoming motions to modify and terminate the order for deferred adjudication and dismiss the underlying charge, before advancing with the hearing in this case.

14. Respondent requests a continuance of at least ninety (90) days for reset of the hearing in this case, as it is anticipated that the District Court in the underlying matter will require a period of time of at least that duration before issuance of its decision on the above described issues. Moreover, prior to submission of these issues to the District Court for ruling, Respondent's counsel intends and would like to first explore the prospect for reaching agreement with the newly appointed attorney *pro tem* on all or part of the relief sought; these negotiations, too, are expected to require a number of weeks to competently complete a series of exchanges and deliberations by each side.

IV.
MOTION IS UNOPPOSED

15. The original motion of this amended pleading is the first request for continuance of the hearing, and no prior extensions have been sought or granted.

16. Counsel for the Office of Chief Disciplinary Counsel has permitted the undersigned to represent that her client is unopposed to this Motion.

V.
SPECIFICATIONS FOR EXTENSION OF TIME

17. As may be required under BODA Internal Procedural Rule 1.09.(a)(2), this amended motion is made in writing and provides the following specifications:

- (i) the date of notice of the hearing for which Respondent seeks a continuance herein was May 20, 2026, as contained within the Petition for Compulsory Discipline then filed and served by the Office of Chief Disciplinary Counsel in this Case No. 73114 styled *In the Matter of Richard Anthony Patti, State Bar Card No. 14667390*, Before the Board of Disciplinary Appeals Appointed by the Supreme Court of Texas;
- (ii) no appeal has been perfected in this case;
- (iii) the original date for the hearing in question is July 31, 2026;
- (iv) the length of time requested for the continuance and extension of the date for conduct of the hearing in question is at least ninety (90) days;
- (v) the number of extensions of time that have been granted previously regarding the hearing in question is zero / none; and
- (vi) the facts relied on to reasonably explain the need for an extension are set out above.

VI.
EXHIBITS

18. Attached hereto are true and correct copies of the following supporting

documents:

Exh. A - BODA correspondence dated April 15, 2026, in Case No. 72594 (Attorney: James Munisteri);

Exh. B - Complainant Richard Patti Reply (without exhibits) dated May 19, 2026, to the Response of James Munisteri to the Grievance filed by Complainant with the State Bar of Texas asserting violation of Rule 4.04 by Respondent Attorney James Munisteri;

Exh. C - Order of the District Court signed June 29, 2026, appointing Mr. Kyle Vance as Attorney *Pro Tem*;

Exh. D - Screenshot of Summary page of the underlying proceeding in the District Court, from the website of the Harris County District Clerk, showing future court setting of July 29, 2026;

Exh. E - Motion to Modify Conditions of Community Supervision filed in the District Court on March 2, 2026; and

Exh. F - Notice of Appearance by Amicus Curiae signed by the General Counsel of the Office of Harris County District Attorney and filed in the District Court on March 12, 2026.

VII. **CONCLUSION**

ACCORDINGLY, Respondent Richard A. Patti respectfully requests the Board of Disciplinary Appeals to continue the hearing presently set for July 31, 2026, for a period of at least ninety (90) days, with any provisos or conditions - such as periodic status reporting by the parties - that this Board deems appropriate.

Respectfully submitted,

Dated: July 20, 2026



RICHARD A. PATTI
Respondent
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CERTIFICATE OF CONFERENCE

I certify that I have conferred with the Office of the Chief Disciplinary Counsel by and through their designated attorney of record - Ms. Amanda M. Kates, Assistant Disciplinary Counsel - and that said attorney reports that the undersigned may represent in the foregoing Motion for Continuance that her client is UNOPPOSED to a continuance of the hearing in this matter that is presently set for July 31, 2026.



RICHARD A. PATTI

CERTIFICATE OF SERVICE

I certify that on July 20, 2026, a true and correct copy of the foregoing RESPONDENT RICHARD A. PATTI'S AMENDED AND UNOPPOSED MOTION FOR CONTINUANCE was served through transmission to the Office of the Chief Disciplinary Counsel by and through their designated attorney of record - Ms. Amanda M. Kates, Assistant Disciplinary Counsel - via email to Amanda.Kates@TEXASBAR.COM, the email address at which I have regularly communicated with said counsel thus far in this matter and from which said counsel has sent me email correspondence, and that the electronic transmission was reported as complete.



RICHARD A. PATTI