

A. Judgment Misstates the Facts and the Record

2. The Judgment misstates the facts and commits error in its attempt to accurately recite the record in subparagraphs (3), (4), (5) & (6) under the section “Conclusions of Law” on which it grounds its subsequent determinations and rulings issued.

3. In the aforementioned subparagraph (3), the Judgment makes the false assertion that the Order of Deferred Adjudication (the “Order”) giving rise to this proceeding is “final.” That is incorrect¹. *See Exh. A.*

4. Nowhere in the Order is there any use of the word “final” or any synonym thereof. *See id.*

5. The Judgment itself acknowledges that there are continuing proceedings being held in the underlying matter that have resulted already in changes to the allegedly “final” Order since its entry in November 2025. *See* Judgment at subparagraph (3) under “Findings of Fact.” And, additional changes to the putatively “final” Order are likely, with Mr. Patti’s pending motion to modify the Order further, to reduce to zero and eliminate the duplicative remaining restitution amount altogether. Hearings have been held at least once monthly since the beginning of this year concerning the terms and duration of this supposedly “final” Order, and more are scheduled and expected in the weeks and months ahead, including the next hearing set for September 8, 2026. *See Exh. B.*

¹ The Judgment makes another error in its assertion in subparagraph (2) of the “Findings of Fact” section, that the Order provides for Mr. Patti “to pay restitution in the amount of \$207,587.93,” when in fact the Order - as entered on November 13, 2025 - provided for restitution in the amount of \$957,587.93. It was only later when the Court first learned that Mr. Patti had entered into a civil settlement and restitution agreement with the complainant and his siblings in May 2025, under which Mr. Patti was already making payments for months prior to entry of the November 2025 Order, that the Court *sua sponte* issued an amended order on March 2, 2026, lowering the amount of restitution owed in the deferred adjudication to \$207,587.93.

6. Also, the assertions in the aforementioned subparagraphs (4) and (5) are premised on the erroneous assumption that the Order holds that Mr. Patti has been convicted of a crime for which he has been sentenced to a term of probation. That, too, is incorrect.

7. Nowhere in the Order does it ever use the term “conviction” or any synonym thereof. *See Exh. A.*

8. Nowhere in the Order does it ever use the term “sentence” or any synonym thereof. *See id.*

9. Nowhere in the Order does it ever use the term “probation” or any synonym thereof. *See id.*

10. Nowhere in the Order does Mr. Patti ever “accept probation” or any other form of sentence “with or without adjudication of guilt,” nor is there any suggestion or indication thereof. *See id.; cf. TRDP 8.05.*

11. The Order is titled and states in bold lettering across the top of the document: **ORDER OF DEFERRED ADJUDICATION.** *See id.* Throughout the Order, it states repeatedly that Mr. Patti is being placed on “deferred adjudication community supervision” and never uses the term “probation.” *See id.*

12. There is simply no rational way to mistake the Order for any kind of “judgment” - let alone a “final” judgment - or “conviction” or “sentence” of “probation” or incarceration or otherwise, nor for anything else other than an order for “deferred adjudication.” In fact, the document specifically states that the Court “**ORDERS** no judgment entered at this time.” *Id.* at 2 (emphasis in original).

13. Yet, out of whole cloth the Judgment makes the reckless and irresponsible - and false - assertion that the Order is “final” and cites the basis of its determination as being TRDP 8.05 that expressly and solely applies where there has been a conviction or acceptance of sentence, neither of which has happened in this case.

B. Judgment Misstates the Law

14. The Judgment misstates the law in its erroneous application of *In re Caballero*, 272 S.W.3d 595 (Tex. 2008) and TRDP 8.05, and its failure to abide by the mandatory language in TRDP 8.06, which expressly, specifically, and solely provides for suspension - and not disbarment - in a case of “deferred adjudication,” which is exactly the Order applicable to Mr. Patti on which this Board’s determinations and rulings are purportedly based.

15. The language used in TRDP 8.06 is clear and mandatory:

[I]f an attorney receives probation through **deferred adjudication** in connection with a Serious Crime, the attorney’s license to practice law **shall be suspended** during the term of probation.

TRDP 8.06 (emphasis added); *see also Caballero*, 272 S.W.3d at 602 (Willett, J., dissenting).

16. No “discretion” is ever afforded to conflate and muddle the outcomes prescribed in TRDP 8.05 (disbarment or suspension) with that mandated in TRDP 8.06 (suspension only). *See, e.g.*, TRDP Part VIII (“Compulsory Discipline”); *see also Caballero*, 272 S.W.3d at 598.

17. Discretion - as between disbarment and suspension - only comes into play when Rule 8.05 applies. *See Caballero*, 272 S.W.3d at 598. However, this is not a Rule 8.05 case; this is a Rule 8.06 case.

18. Rolando Caballero “was convicted of an intentional crime and received a fully-

probated sentence.” *Caballero*, 272 S.W.3d at 601. Nowhere in the *Caballero* decision is there any mention of the term “deferred adjudication” except when quoting provisions of TRDP 8.06. *See Caballero*, 272 S.W.3d at 595-602.

19. Nowhere in TRDP 8.05 is there any mention of the term “deferred adjudication.” *See* TRDP 8.05 (“Disbarment”).

20. The words “deferred adjudication” are, however, specifically used in TRDP 8.06 as a qualification for application of its provisions to an attorney. *See* TRDP 8.06 (“Suspension”).

21. Mr. Patti has never been convicted of any crime, and neither his innocence nor any guilt for such crime has ever been adjudicated. Mr. Patti is presently under an order of deferred adjudication, not a sentence. Period. *See Exh. A*.

22. Rolando Caballero was in a completely different and distinct situation and status under the law than is Mr. Patti currently, and the Rules recognize that distinction. *See Caballero*, 272 S.W.3d at 595-602. This is why the Judgment was in error to follow and cite the *Caballero* decision and TRDP 8.05 when under the express language of the Rules, it is TRDP 8.06 and its application specifically to cases of “deferred adjudication” that should be followed in determining action to take on Mr. Patti’s license. *See* TRDP 8.06. The action that TRDP 8.06 prescribes is clear and mandatory, and that is - solely - a **suspension** of the license. *See id.*; *see also Caballero*, 272 S.W.3d at 602 (Willett, J., dissenting).

23. The Rules make complete sense, in that an order of deferred adjudication is temporary; upon termination of the order or completion of the prescribed term, the underlying charge is dismissed and the plea held in abeyance is disposed of, with all record thereof then

eligible for expunction. The Rules fairly provide for - and require - suspension of the license during the temporary period in which the deferred adjudication order is in effect, not the permanent action of disbarment, especially when months later the attorney very well may be in a position of having a completely clear record, and then having taken his license for nothing would be a grave injustice. *Cf. id.*

C. Witness Tampering by the OCDC

24. Rule 4.04(b)(2) of the Texas Disciplinary Rules of Professional Conduct states:

[A] lawyer shall not present, participate in presenting, or threaten to present criminal charges against a witness or a potential witness in a bar disciplinary proceeding solely to prevent participation by the witness or potential witness therein.

Tex. Disciplinary R. Prof. Conduct 4.04(b)(2) (emphasis added).

25. Mr. Patti filed his Witness List on July 29, 2026 (two days before trial), and therein identified himself as one of two witnesses whom he intended to call or who would testify as part of the evidentiary presentation of his defense, which - along with pleadings that he had previously submitted - clearly signaled his plans for himself to appear live and participate in the disciplinary proceeding on July 31, 2026.

26. The next day - on July 30, 2026 (the day before trial) - counsel for the Office of Chief Disciplinary Counsel (“OCDC”) contacted the court staff and assigned community supervision officer (“CSO”) in Mr. Patti’s case in Houston and raised questions about whether permissions had been obtained to allow Mr. Patti’s travel to Travis County the following day to attend the hearing, given restrictions reflected in item (7) of the Conditions of Community Supervision incorporated by reference into the Order. *See Exh. C; see also Exh. A.*

27. One has to wonder why on Earth - on the day before trial - the OCDC attorney was spending any time at all to research the terms of community supervision under the Order, and to identify the name and contact phone number and email address for Mr. Patti's assigned CSO in Houston ... or being spoon-fed this information and taking direction from Mr. Patti's brother² serving as the OCDC's principal witness in the trial ... when the travel restrictions among such terms had literally zero to do with any aspect of the issues pending or to be tried before this Board.

28. Assuming, arguendo, that there were some nominal amount of value to the OCDC case in discovery of these details, or the warm hearts of the OCDC were genuinely concerned for Mr. Patti's wellbeing and ensuring his compliance with the terms of community supervision, the fact that OCDC counsel never even attempted to contact Mr. Patti first - by email or phone call, as they had communicated in the past - to inquire about this issue, lends credence to suspicions about their motives as reflected in or suggested by such tactics.

29. There is no other logical conclusion in estimation of the reason for the clandestine and highly peculiar actions of the attorney for the OCDC - potentially violative of Rule 4.04(b) (2) of the Texas Disciplinary Rules of Professional Conduct - in seeking out and contacting the relevant court personnel and CSO in Houston to question and raise the specter of criminal jeopardy for Mr. Patti in his necessary travel outside Harris County to participate in the bar disciplinary proceeding - especially given the timing of this misconduct, occurring the day before trial - other than the obvious explanation that the purpose was to intimidate Mr. Patti and

² Mr. Patti's brother has admitted in previous written submissions to OCDC that he has been actively and continuously contacting and pestering the State Bar of Texas and the California Bar since November 2023 - for almost the past three years - to take some action against Mr. Patti and his license.

strongly discourage or prevent his appearance and participation in the proceeding in Travis County the next day, for fear of being charged for violation of the terms of the Order and potentially incarcerated.

30. Respondent raises this issue because the opening paragraph of the Judgment adopts a tone that suggests some level of offense taken at Mr. Patti's failure to appear live at the hearing on July 31. Respondent therefore wishes to apprise the Board of the reasons why late afternoon on the day before the trial, Mr. Patti filed an updated statement of his intentions to rely on the written record for this matter rather than travel the next day outside the geographic area of restriction cited in the Order and its incorporated terms, to attend the proceedings in person.

II.

RELIEF SOUGHT

31. Respondent respectfully asks this Board to grant and order a new trial or, in the alternative, to modify the Judgment so as to provide for suspension (rather than disbarment) of Mr. Patti's law license in accordance with TRDP 8.06.

32. This pleading is the first request submitted for a new trial or modification of the Judgment, and no prior relief of such type has been sought or granted in this case.

33. Counsel for the Office of Chief Disciplinary Counsel has reported to the undersigned that her client is opposed to this Motion.

III.
EXHIBITS

34. Attached hereto are true and correct copies of the following supporting documents:

Exh. A - Order of Deferred Adjudication entered by the 262nd Judicial District Court of Harris County on November 13, 2025;

Exh. B - Screenshot of Summary page of the underlying proceeding in the 262nd Judicial District Court of Harris County, from the website of the Harris County District Clerk, showing future court setting of September 8, 2026;

Exh. C - Email exchange between Amanda M. Kates, Assistant Disciplinary Counsel, and Christopher Jean-Baptiste, Community Supervision Officer, on July 30, 2026.

IV.
CONCLUSION

ACCORDINGLY, Respondent Richard A. Patti respectfully requests the Board of Disciplinary Appeals to grant this Motion and order a new trial in this matter or, in the alternative, to modify the Judgment of Disbarment signed Aug 6, 2026, and enter a new Judgment of Suspension of Mr. Patti's license, and to afford such other relief as this Board deems appropriate.

Respectfully submitted,

Dated: August 27, 2026



RICHARD A. PATTI
Respondent
State Bar of Texas Card No. 14667390
Email: riccardo.patti.esq@gmail.com
1134 Alta Loma, No. 206
West Hollywood, California 90069
Telephone: (562) 391-1140

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 OCDC is opposed to this Motion.



RICHARD A. PATTI

CERTIFICATE OF SERVICE

I certify that on August 27, 2026, a true and correct copy of the foregoing RESPONDENT RICHARD A. PATTI'S MOTION FOR NEW TRIAL OR, IN THE ALTERNATIVE, TO MODIFY JUDGMENT was served through transmission to the Office of the Chief Disciplinary Counsel by and through their designated attorneys of record - Mr. Michael G. Graham, Appellate Counsel, and Ms. Amanda M. Kates, Assistant Disciplinary Counsel - via emails to michael.graham@texasbar.com and Amanda.Kates@TEXASBAR.COM, the email addresses 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 transmissions were reported as complete.



RICHARD A. PATTI

EXHIBIT

A



THE STATE OF TEXAS

V.

PATTI, RICARDO ANTHONY

STATE ID NO.: TX13591182

§ IN THE 262ND DISTRICT
§
§ COURT
§
§ HARRIS COUNTY, TEXAS
§
§

ORDER OF DEFERRED ADJUDICATION

Judge Presiding:	LORI CHAMBERS GRAY	Date Proceedings Deferred:	11/13/2025
Attorney for State:	WHITE, TYLER STEPHONE	Attorney for Defendant:	DOEBBLER, TED R.

Offense:

THEFT/AGG >=\$300K ELDERLY/NONPROFIT

Charging Instrument:
INDICTMENT

Statute for Offense:

Date of Offense: Defendant waived the right to trial by jury and entered the plea below:
11/1/2020 CONTINUING THROUGH 6/23/2022

GUILTY

Degree of Offense:
1ST DEGREE FELONY

Findings on Deadly Weapon:
N/A

1st Enhancement Paragraph:
N/A

Finding on 1st Enhancement Paragraph:
N/A

2nd Enhancement Paragraph:
N/A

Findings on 2nd Enhancement Paragraph:
N/A

Terms of Plea Bargain (if any): or ☐ Terms of Plea Bargain are attached and incorporated herein by this reference.

**10 YEARS DADJ WITH RESTITUTION OF \$957,587.93
REDUCED FROM N/A**

ADJUDICATION OF GUILT DEFERRED;

DEFENDANT PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION.

PERIOD OF DEFERRED ADJUDICATION COMMUNITY SUPERVISION: 10 YEARS.

CONFINEMENT AS A CONDITION OF DEFERRED ADJUDICATION COMMUNITY SUPERVISION:

☐ The Court **ORDERS** Defendant confined **_____** DAYS in ☐ THE COUNTY JAIL ☐ A STATE JAIL FACILITY as a condition of deferred adjudication community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

<u>Fines:</u>	<u>Court Costs:</u>	<u>Reimbursement Fees:</u>
\$ N/A	\$ 290	\$ 60

<u>Restitution:</u>	<u>Restitution Payable to:</u>
\$ 957,587.93 (see Cond. C.S.)	N/A (See special finding or order of restitution which is incorporated herein by this reference.)

☐ Defendant is required to register as sex offender in accordance with Chapter 62, Tex. Code Crim. Proc.

(For sex offender registration purposes only) The age of the victim at the time of the offense was **N/A**.

Was the victim impact statement returned to the attorney representing the State? **N/A**

This cause was called and the parties appeared. The State appeared by her District Attorney as named above.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared with Counsel.

☐ Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court admonished Defendant. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of the plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court **FINDS** that such evidence

substantiates Defendant's guilt. However, the Court **FINDS** that it is in the best interest of society and Defendant to defer proceedings without entering an adjudication of guilt and to place Defendant on deferred adjudication community supervision.

Therefore, the Court **ORDERS** no judgment entered at this time. The Court further **ORDERS** Defendant placed on deferred adjudication community supervision for the period of time indicated above as long as Defendant abides by the conditions of the deferred adjudication community supervision.

The Court **FINDS** that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

The Court **ORDERS** Defendant to pay the fines, court costs, reimbursement fees, and restitution as indicated above and further detailed below.

The document setting forth the conditions of deferred adjudication community supervision is attached and incorporated herein by this reference.

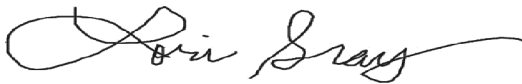
Fines Imposed Include (check each fine and enter each amount as pronounced by the court):

- ☐ General Fine (§12.32, 12.33, 12.34, or 12.35, Penal Code, Transp. Code, or other Code) \$ (not to exceed \$10,000)
- ☐ Add'l Monthly Fine for Sex Offenders (Art. 42A.653, Code Crim. Proc.) \$ As assessed as a Cond. CS (\$5.00/per month of community supervision)
- ☐ Child Abuse Prevention Fine (Art. 102.0186, Code Crim. Proc.) **\$100**
- ☐ EMS, Trauma Fine (Art. 102.0185, Code Crim. Proc.) **\$100**
- ☐ Family Violence Fine (Art. 42A.504 (b), Code Crim. Proc.) **\$100**
- ☐ Juvenile Delinquency Prevention Fine (Art. 102.0171(a), Code Crim. Proc.) **\$50**
- ☐ State Traffic Fine (§ 542.4031, Transp. Code) **\$50**
- ☐ Children's Advocacy Center Fine - as Cond of CS (Art. 42A.455, Code Crim. Proc.) \$ As assessed in Cond of CS (not to exceed \$50)
- ☐ Repayment of Reward Fine - as Cond of CS (Art. 42A.301 (b) (20), Code Crim. Proc.) \$ As assessed as a Cond. CS. (not to exceed \$50)
- ☐ Payment of Fine to Crime Stoppers Organization - as Cond of CS (Art. 42A.104, Code Crim. Proc.) \$ (not to exceed \$50)

Furthermore, the following special findings or orders apply:

☐ **Weapon Forfeiture:** The Court Finds that a law enforcement agency, namely, _____, seized a weapon, namely, _____, in connection with an offense involving the use of a weapon or an offense under Chapter 46 of the Penal Code. Accordingly the Court Orders the weapon is forfeited to the State of Texas to be destroyed or used by the law enforcement agency. TEX. CCP. Art 18.18 or 18.19.

Signed on 11/13/2025



X
LORI CHAMBERS GRAY
JUDGE PRESIDING

Clerk: L MATUTE

Notice of Appeal Filed: _

Mandate Received: _____ Type of Mandate: _____

After Mandate Received, Sentence to Begin Date is: _____

Jail Credit: _____ DAYS

Case Number: 1897925 Court: 262ND Defendant: **PATTI, RICARDO ANTHONY**



Thumbprint

EXHIBIT

B



189792501010 - The State of Texas vs. PATTI, RICARDO ANTHONY (Court 262)

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Case	189792501010 - 3	Race/Sex	W / M	Height/Weight	5'06 / 160 LBS
File Date	12/19/2024	Eyes	BRO	Hair	BRO
Case (Cause) Status	Pending Completion of Probation	Skin		Build	MED
Offense	THEFT/AGG >=\$300K ELDERLY/NONPROFIT	DOB	6/13/1966	In Custody	N
Last Instrument Filed	Felony Indictment	US Citizen	Yes	Place Of Birth	
Case Disposition	DEFERRED ADJUDICATION OF GUILT	Address	1507 BRANARD ST, HOUSTON, TX 77006		
Case Completion Date	11/13/2025	Markings			
Defendant Status	Deferred Adjudication of Guilt				
Bond Amount	\$500,000.00				
Next/Last Setting Date	9/8/2026				

Current Court	262 nd
Address	1201 Franklin (Floor: 15) Houston, TX 77002 Phone:8329273700
JudgeName	Lori Chambers Gray
Court Type	Criminal

EXHIBIT

C

From: Amanda Kates <Amanda.Kates@TEXASBAR.COM>
Sent: Thursday, July 30, 2026 3:25 PM
To: Jean, Christopher (CSC) <Christopher.Jean@csc.hctx.net>
Cc: Amy Arriaga <Amy.Arriaga@TEXASBAR.COM>
Subject: RE: RICARDO PATTI

Thank you very much for your follow up. Have a great weekend.

Kindest Regards,

Amanda M. Kates
Assistant Disciplinary Counsel
State Bar of Texas
Ph: 512-427-1350
Fax: 512-427-4167

From: Jean, Christopher (CSC) <Christopher.Jean@csc.hctx.net>
Sent: Thursday, July 30, 2026 3:10 PM
To: Amanda Kates <Amanda.Kates@TEXASBAR.COM>
Subject: RICARDO PATTI

 You don't often get email from christopher.jean@csc.hctx.net. [Learn why this is important](#)
Good afternoon,

In regard to our phone conversation earlier, Mr. Patti has been given permission to travel to Austin for this hearing.

Thank you,

Christopher Jean-Baptiste
Community Supervision Officer
Harris County Community Supervision and Corrections Department
3330 Old Spanish Trail
346-286-5804
Christopher.Jean@csc.hctx.net