

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



F I L E D

Jul 07 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
UNOPPOSED MOTION FOR CONTINUANCE
OF HEARING SET FOR JULY 31, 2026**

TO THE BOARD OF DISCIPLINARY APPEALS:

RICHARD A. PATTI, Respondent, respectfully moves - 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.

2. The Presiding Judge of said court has only just 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 here, in the days just before Mr. Teare took office as Harris County 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 the incoming DA, Mr. Teare, 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 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 underlying 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, 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 with the Harris County DA 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. 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.

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

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.

II.

RELIEF SOUGHT

7. Respondent respectfully asks this Board to afford the 262nd Judicial District Court and the newly appointed special counsel 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.

8. Respondent requests a continuance of at least ninety (90) days for reset of the

hearing in this case, as it is anticipated that the 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 Court for ruling, Respondent's counsel intends and would like to first explore the prospect for reaching agreement with the newly appointed special counsel 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.

III.

MOTION IS UNOPPOSED

9. This is the first request for continuance of the hearing, and no prior extensions have been sought or granted.

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

IV.

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 7, 2026



RICHARD A. PATTI

Respondent

State Bar of Texas Card No. 14667390

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CERTIFICATE OF SERVICE

I certify that on July 7, 2026, a true and correct copy of the foregoing RESPONDENT RICHARD A. PATTI'S 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