MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT

SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court	District of Rhode Island
Name *(under which you were convicted)*: David Staveley	Docket or Case No.: 20-CR-00074-MSM
Place of Confinement: FMC Devens - Camp	Prisoner No.: 04230-049
UNITED STATES OF AMERICA v.	Movant *(include name under which convicted)* David Staveley

MOTION

1. (a) Name and location of court which entered the judgment of conviction you are challenging:

United States District Court - District of Rhode Island

(b) Criminal docket or case number (if you know): 20-CR-00074-MSM

2. (a) Date of the judgment of conviction (if you know): October 6, 2021

(b) Date of sentencing: October 6, 2021

3. Length of sentence: 56

4. Nature of crime (all counts):

Count 1 Conspiracy to Commit Bank Fraud 48 months

Count 7 Failure to Appear in Court as Required 8 months

5. (a) What was your plea? (Check one)

(1) Not guilty ☐ (2) Guilty ☒ (3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or what did you plead guilty to and what did you plead not guilty to?

Conspiracy to Commit Bank Fraud
Failure to Appear in Court as Required

6. If you went to trial, what kind of trial did you have? (Check one) Jury ☐ Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☐ No ☒

8. Did you appeal from the judgment of conviction? Yes ☒ No ☐

9. If you did appeal, answer the following:
(a) Name of court: United States Court of Appeals for the First Circuit
(b) Docket or case number (if you know): 21-1842
(c) Result: Dismissed w/o Predjudice - Recommended "Colateral Hearing" District Court
(d) Date of result (if you know): Appx August 4, 2022
(e) Citation to the case (if you know):
(f) Grounds raised:
ineffective assistance of counsel

(g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒
If "Yes," answer the following:
(1) Docket or case number (if you know):
(2) Result:
(3) Date of result (if you know):
(4) Citation to the case (if you know):
(5) Grounds raised:

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?
Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:
(a) (1) Name of court: U.S. District Court - District of Rhode Island
(2) Docket or case number (if you know): 20-CR-00074-MSM
(3) Date of filing (if you know): 10-10-2021
(4) Nature of the proceeding: Motion Identifying Obstruction and Sentencing Factors
(5) Grounds raised: Unknown dismissal of Councel, Vital Documents in Possession of Prosecution not Released, Evidence Never available to Defendant

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☒

(7) Result: Dismissed w/o Predjudice Pending Appeal

(8) Date of result (if you know): Appox November 30, 2021

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: U.S. District Court - District of Rhode Island

(2) Docket of case number (if you know): 20-CR-00074-MSM

(3) Date of filing (if you know): 10-12-2021

(4) Nature of the proceeding:

(5) Grounds raised: Atty Mark Josephs was suffering from mental dureas that prevented him from performing as effective counsel. Key discovery evidence in the Prosecutions possession was not provided to defense and led to outlandish statements at sentencing. Defense Counsel, AUSA Vilker and U.S. Atty Cunha all were aware and had evidence that Defendant did not see evidence and only had access to evidence months after signing a plea. This was never disclosed to the Court

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☒

(7) Result:

(8) Date of result (if you know):

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☒ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Failure to client w/discovery materials

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
- Defendant Signed Plea on May 6, 2021 under the recommendation of Counsel
- On May 27, 2021, Atty Jason Knight sent letter stating "...you can request to review the evidence in your case." 21 days after plea was signed
- Correspondence with Wyatt Evidence Coordinator Luz Jimenez beginning 6/1/2021 further demonstrating Defendant did not see evidence prior to signing a plea
(see Appeal No - 21-1843)
Exhibit B (Letter from Jason Knight)
Exhibit B-2 (Correspondence (Internal) from Wyatt Evidence Coordinator)

(b) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: Pro Se - Motion Identifying Obstruction & Sentence Factor

Name and location of the court where the motion or petition was filed:
U.S. District Court - District of Rhode Island

Docket or case number (if you know): 20-CR-00074-MSM

Date of the court's decision: Approx November 20, 2021

Result (attach a copy of the court's opinion or order, if available):
Dismissed w/o Prejudice Pending Appeal

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☒ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: United States Court of Appeals for First Circuit.

Docket or case number (if you know): 21 - 1842

Date of the court's decision: Approx August 4, 2022

Result (attach a copy of the court's opinion or order, if available): Dismissed w/o Predjudice - Recommended to District Court for "Colateral Hearing"

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND TWO: Failure to seek a continuance at Sentencing

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): On October 6, 2021 at Sentencing in Court (Court Jury Area) during Covid-19 with Media present under Covid restrictions. AUSA Lee Vilker stated "All I would say on that point, your Honor, is reading through the PSR, there is a lot of mixed information." The prosecuter was indicating that the defendant was a liar, regarding being sexually assaulted by a BOP Guard some years earlier. Atty Jason Knight not only did not object, but was aware there was a U.S. Federal Court ordered psychological report available that would demonstrate the Defendant was truthful to mention endless attempts to Report the assault. Additionally, AUSA Vilker was in possession of document and did not reveal to court or provide to defense.

(b) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If you answer to Question (c)(1) is "Yes," state: Pro Se

Type of motion or petition: Motion Identifying Obstruction and Sentencing Failures

Name and location of the court where the motion or petition was filed:
U.S. District Court - District of Rhode Island

Docket or case number (if you know): 20-CR-00074-MSM

Date of the court's decision: Apprx November 20, 2021

Result (attach a copy of the court's opinion or order, if available):
Dismissed w/o Predjudice Pending Appeal

(3) Did you receive a hearing on your motion, petition, or application?
Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?
Yes ☒ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
Yes ☒ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:
United States Court of Appeals for First Circuit

Docket or case number (if you know): 21-1842

Date of the court's decision: Apprx August 4, 2022

Result (attach a copy of the court's opinion or order, if available):
Dismissed w/o Predjudice - Recommended to District Court for "Collateral Hearing"

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND THREE: Court Ordered by Court of Appeals (Higher Court) to effectively Represent Client (Defendant) Until Relieved.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
Following Sentencing the Defendant filed (2) motions Pro Se due to the fact Atty Jason Knight refused to file. Additionally, Defendant wanted to move to appeal. Atty Jason Knight refused to assist or to file necessary paperwork on behalf of Defendant unless he was paid 3K to provide there services. As the lower Court did not

take action against Jason Knight the Higher Court U.S. Court of Appeals 1st Circuit recognized Atty Knights malfeseance and ineffectiveness and Issued a Court Order (See Attached Exhibit D) requiring him to effectively represent and file the necessary paperwork. This was done with (emphasis added)

(b) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: The Order was already on record and issued by the Appeals Court it was this type of ineffectiveness that raised the courts attention to Atty Jason Knight.

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available): Court order was issued after previous motions made to District Court of R.I. (See Court Order Exhibit D)

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: Court that was hearing Appeal was the issuer of Court Order on Jason Knight. It was the necessary action of the court Against Jason Knights ineffectiveness that has given the Appeal Court Concern and recommend Collateral Hearing

GROUND FOUR: Counsel Falsified Documents / Wire Fraud

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): Atty Jason Knight represented the Defendant without a Contract/Fee Agreement in place only a verbal agreement for fees with Defendants 81 year old mother. In early August of 2021 after several month of representation Atty Jason Knight approached the Defendant with only a signature page of a agreement The Defendant was told to sign or Knight would withdraw. Knight said to sign but not date. Additionally, Knight through text or telephonically made repeated demands for payment on an 81 year old women, threatening to withdraw. Payment was sent from MA. to RI and checks cash in CT. No billing, itemized invoices, or agreement & terms were ever provided No Justification or work performed provided. (Attached complete testimony of Jason Knight Through R.I Disciplinary Board Exhibit C Knight admits to forgery + other malfeasance cancelled checks)

(b) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: The issues were raised through the R.I Supreme Court Disciplinary Board (Complete Correspondence Attached) Exhibit C - Atty Knight admits to forging a date on Fee agreement present in Aug 2021, admits to not billing, admits to never sending a copy of forged fee agreement

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: The forgery of Documents and what can be construed as wire fraud were brought to the attention and in a complaint to the R.I Supreme Court Disciplary Board. (See full testimony of Terra Knight Exhibit C) Atty Knight admits to forging date, never providing billing or proof of work and never providing and contract for review. But still called demanding payment for mystery services rendered (Fraud)

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: Counsel Fabricity Document and Commiting Fraud in his billing and conduct. These charges were brought in a pending complaint to the RI Supreme Court Disciplay Board. But, Atty Knights administrave Fraud, Forgery etc. goes to ineffectiveness and intent to Defraud client So in this 2255 it is being brought to the District Courts attention to demonstrate complete ineffectiveness and Atty criminal intent.

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging:

(a) At the preliminary hearing: Mark Josephs, 10 Derne St. Boston MA 02114 202-904-4736

(b) At the arraignment and plea: George West, One Turks Head Place, Suite 312 Providence, R.I. 02903-2215 861-9042

(c) At the trial:

(d) At sentencing: Jason Knight, One Turks Head Place, Suite 1440 Providence, R.I 02903 401-865-6075

(e) On appeal: Kara Hoopis Maciel, 127 Dorrance Street, 2nd FL Providence, R.I. 02903 401-714-8926

(f) In any post-conviction proceeding: pro se

(g) On appeal from any ruling against you in a post-conviction proceeding:

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*

Final Judgement and Conviction became final on October 6, 2021. There fore this motion is filed in a timely manner under 28 U.S.C § 2255.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

(1) the date on which the judgment of conviction became final;

(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;

(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following relief:
Find that Defense Counsel was ineffective and vacate conviction and/or provide immediate release or reduce sentence time served. Set aside or Correct.

or any other relief to which movant may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on 8/22/2022.
(month, date, year)

Executed (signed) on August 22nd, 2022 (date)

David Stanley
Signature of Movant
David Staveley Pro Se

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

Exhibit A

No. 21-1842

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

UNITED STATES OF AMERICA,
Appellee,

v.

DAVID STAVELEY,
a/k/a Kurt David Sanborn, a/k/a David Sanborn,
a/k/a Kurt Sanborn, a/k/a David Adler Staveley,
Defendant-Appellant.

ON APPEAL FROM A JUDGMENT OF
THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

BRIEF OF THE DEFENDANT-APPELLANT DAVID STAVELEY

Kara Hoopis Manosh
127 Dorrance Street, 2nd Floor
Providence, Rhode Island 02903
401-714-8926
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Identification No. 121073

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REASONS WHY ORAL ARGUMENT SHOULD BE HEARD

This case raises this important challenge to the Court's general preference that (1) claims of ineffective assistance of counsel should not be heard on direct appeal, and (2) that waivers of appeal, in the plea agreement, should preclude direct review at all: When should the Court consider claims of ineffective assistance of counsel that occurred *after* the execution of the plea agreement? Oral argument will help develop the Court's parameters for when such review will be permitted on direct appeal.

JURISDICTIONAL STATEMENT

On October 7, 2021, the United States District Court for the District of Rhode Island sentenced the Defendant on one count of Conspiracy to Commit Bank Fraud, in violation of 18 U.S.C. §§1344 and 1349, one count of Failure to Appear in Court as Required, in violation of 18 U.S.C. §3146(a)(1). The District Court entered its judgement on October 8, 2021, and the defendant filed a timely notice of appeal on October 15, 2021. The District Court had jurisdiction under 18 U.S.C. §3231, as the Defendant was charged with crimes that constitute "offenses against the laws of the United States." This Court has jurisdiction under 28 U.S.C. 1291 because this is an appeal from a final decision of a district court in a criminal case.

ISSUE PRESENTED FOR REVIEW

Does a waiver of appeal clause preclude direct review of ineffective assistance of counsel that occurs at the time of the plea agreement and entry of the guilty plea, and for errors occurring at the sentencing hearing?

STATEMENT OF THE CASE

During the Covid-19 Pandemic, Congress passed a $953-billion business loan program known as the Paycheck Protection Program ("PPP") to provide economic relief to small businesses. On September 21, 2020, David Staveley appeared before the United States District Court for the District of Rhode Island, accused of submitting and conspiring to submit four (4) false PPP applications, for businesses that he did not have an ownership interest in or that were no longer in operation. Mr. Staveley was charged, by way of Indictment, with one count of Conspiracy to Commit Bank Fraud, in violation of 18 U.S.C. §§1344 and 1349, three counts of Bank Fraud, in violation of 18 U.S.C. §1344, one count of Making False Statements to the Influence the SBA in violation of 18 U.S.C. §645(a), one count of Conspiracy to Commit Bank Fraud, in violation of 18 U.S.C. §1349, one count of Aggravated Identity Theft, in violation of 18 U.S.C. §1028A. Add. 1-2.[1] The Government also charged Mr. Staveley with one count of Failure to Appear in Court as Required, in violation of 18 U.S.C. §3146(a)(1), for fleeing the State after he was granted pretrial release while the case was pending indictment. Id.

[1] The following abbreviations are used throughout this brief: "Add." refers to the Addendum to Mr. Staveley's brief, and "App." refers to the Joint Appendix.

David Staveley carried heavy baggage with him as he entered federal custody for these allegations. In 2012, while incarcerated at FCI Allenwood for a thirty (30) month sentence for wire fraud, he was sexually assaulted by a correctional officer. This event, along with a subsequent incarceration for twenty-seven (27) months for mortgage fraud (based upon conduct that predated the wire fraud), led to a diagnosis of Post-Traumatic Stress Disorder (PTSD). Understandably, his PTSD is exacerbated by being in the same setting as the initial assault, in prison.

On May 6, 2021, Mr. Staveley entered into a plea agreement and agreed to plead guilty to Count 1, Conspiracy to Commit Bank Fraud and Count 7, Failure to Appear in Court as Required. App. 1. The parties further agreed that the intended monetary loss was $543, 959.00, but did not agree as the applicable Offense Level or Criminal History Category, instead reserving their rights "to argue and present evidence on all matters affecting the guidelines calculation." App. 3, 5. Mr. Staveley further waived his, "right to appeal the convictions and sentences imposed by the Court, if the sentences imposed by the Court are within or below the sentencing guideline range determined by the Court." App. 6.

7

Never saw Evidence Atty forced into take Sensitive Plea

Due to the Covid-19 pandemic, everything about the court process was atypical. Mr. Staveley appeared via video, utilizing the video conferencing platform Zoom. Because attorney visits were restricted at the Donald W. Wyatt Detention Facility, Mr. Staveley's attorney was not able to review the discovery materials with

(1)

Mr. Staveley in person. Instead, counsel arranged for Mr. Staveley to review the materials left for him on a jump drive, which were not provided to Mr. Staveley until *after* the change of plea hearing. Add. 18.

On May 17, 2021, Mr. Staveley appeared before the Honorable Mary S. McElroy, District Judge, and formally changed his plea to *guilty* as to Conspiracy to Commit Bank Fraud and Failure to Appear in Court as Required. App. 8. A sentencing hearing was conducted on October 7, 2021. App. 36. After hearing argument by each of the parties, Judge McElroy determined that the offense level was twenty (20) and the criminal history category was IV, making the appropriate

(2)

guideline fifty-one (51) to sixty-three (63) months of incarceration. App. 46-47. In its argument in support of an increased term of incarceration, the government made the following statements about Mr. Staveley's abuse at the hands of a BOP correctional officer:

AUSA Milker Discredits knowing Psych Report Validates

> I don't really think it's appropriate for me in this venue to talk about the allegations that the Defendant made in the past. All I would say on that point, your Honor, is reading through the presentence report, there's a lot of mixed information on that and it's very unclear. I'm not saying it didn't happen, I just don't know; and I don't think the Court can just accept this Defendant's word that that happened. It may have; if it did, you know, I'm deeply sorry and I can't imagine how horrible it is, but there's not factual basis one way or the other.

Probation manipulation / no investigation speculation

App. 56. In response, defense counsel did not ask for a continuance in order to obtain the *numerous* BOP investigation reports and psychological reports to document this assault, instead arguing that,

> He's got bad PTSD... [and] I gave the Court medical records showing that the providers, the medical providers believe it is the case, it is the diagnosis. And a correctional setting, because of the nature of the event, is what causes the PTSD; it's what triggers him. And they are back, those symptoms, so bad that he ran to avoid jail...

App. 60-61.

After the presentation of the relevant factors, Mr. Staveley was sentenced to forty-four (44) months of incarceration as to Conspiracy to Commit Bank Fraud, and a consecutive twelve (12) months of incarceration as to Failure to Appear in Court as Required, with three (3) years of supervised release upon his release from incarceration, with specific conditions, and $200 in special assessments. App. 98-99; Add. 3-8.

On October 14, 2021, Mr. Staveley wrote a letter to the United States District Court for the District of Rhode Island, requesting court-appointed counsel to assist him with the filing of an appeal from the conviction, which entered on October 12, 2021. The Notice of Appeal was entered on October 15, 2021 and docketed in this Court on December 15, 2021.

(3)

SUMMARY OF THE ARGUMENT

Mr. Staveley seeks to utilize the Natanel exception, which permits claims of ineffective assistance of counsel on direct review of his criminal convictions, and argues that the record is sufficiently developed to establish that his trial counsel was ineffective by failing to provide his client with the discovery materials before entering into the plea agreement, and by failing to seek a continuance at the sentencing hearing when the AUSA questioned the veracity of Mr. Staveley's claim of prior post-traumatic stress disorder due to a prison rape. Further, the waiver of appeal clause contained in the plea agreement is not valid because (1) Mr. Staveley had no time to review that clause with his attorney prior to entering into the plea, (2) the plea itself was not a knowingly plea; and (3) it is a miscarriage of justice to enforce the clause for claims of ineffective assistance of counsel occurring at sentencing.

STANDARD OF REVIEW

The challenge to a waiver of appeal is subject to plain error review, wherein the appellant must demonstrate that there is (1) error, (2) that is plain, and (3) that affects substantial rights. Sotirion v. United States, 617 F.3d 27, 33-34 (1st Cir. 2010). If all three conditions are met, the Court may then exercise its discretion to notice a forfeited error, but only if (4) the error serious affects the fairness, integrity or public reputation of the judicial proceedings. Id., citing United States v. Borrero-Acevedo, 533 F.3d 11, 15 (1st Cir. 2008).

ARGUMENT

I. The Convictions Should be Vacated, and the Plea Agreement Should be Set Aside, Because Mr. Staveley Did Not Have the Effective Assistance of Counsel at the Time of his Plea and Sentencing.

The convictions should be vacated, and the plea agreement should be set aside, because Mr. Staveley did not have the effective assistance of counsel at the time he entered into the plea or at sentencing.

The Sixth Amendment guarantees the right to the effective assistance of counsel at all critical stages of a criminal proceeding. Strickland v. Washington, 466 U.S. 668, 686 (1984); United States v. Mateo, 950 F.2d 44, 47 (1st Cir. 1991). A plea withdrawal hearing is such a critical stage. United States v. Sanchez-Barreto, 93 F.3d 17, 20 (1st Cir. 1996)(*citing,* United States v. Crowley, 529 F.2d 1066, 1069 (3rd Cir. 1976). When asserting that the right to counsel was violated, a defendant must establish (1) that his attorney's performance was deficient under an objective standard of reasonableness, and (2) that his defense suffered prejudice as a result. Strickland, 466 U.S. at 687-99, 692. The first prong of the analysis calls for a review of counsel's performance, "not in hindsight, but based on what the lawyer knew or should have known, at the time his tactical choices were made and implemented."

CERTIFICATE OF COMPLIANCE WITH RULE 32(a) OF THE FEDERAL RULES OF APPELLATE PROCEDURE

I, Kara Hoopis Manosh, hereby certify that the foregoing brief of the appellant, David Staveley:

1. Complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because, excluding the parts of the document exempted by the Fed. R. App. P. 32(f), this document contains 3,890 words.

2. Complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. 32(a)(6) because the brief has been prepared in a proportionally spaced typeface using Microsoft Office Word 2010 in 14-point Times New Roman.

/s/ *Kara Hoopis Manosh*

Kara Hoopis Manosh

CERTIFICATION

I hereby certify that on the 1st day April, 2022, I electronically filed the foregoing document with the United States Court of Appeals for the First Circuit by using the CM/ECF system. I certify that the following parties or their counsel of record registered as ECF Filers and that they will be served by the CM/ECF system:

Lauren S. Zurier
Assistant U.S. Attorney, Chief of Appeals
U.S. Attorney's Office
50 Kennedy Plaza, 8th Floor
Providence, RI 02903
Lauren.Zurier@usdoj.gov

/s/ *Kara Hoopis Manosh*

Kara Hoopis Manosh

ADDENDUM

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PER 18 U.S.C. 3170

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ INFORMATION ☒ INDICTMENT ☐ COMPLAINT

Matter Sealed: ☐ Juvenile ☐ Other than Juvenile

☐ Pre-Indictment Plea ☐ Superseding ☐ Defendant Added
☐ Indictment ☐ Charges/Counts Added
☐ Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT RHODE ISLAND
DISTRICT OF RHODE ISLAND Divisional Office

Name and Office of Person Furnishing Information on THIS FORM: AARON WEISMAN
☒ U.S. Atty ☐ Other U.S. Agency
Phone No. (401) 709-5044

Name of Asst. U.S. Attorney (if assigned): LEE H. VILKER

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court (give name of court)

☐ this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. Atty ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

SHOW DOCKET NO.

☑ prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

MAG. JUDGE CASE NO. 20-MJ-00034-LDA

Place of offense: RHODE ISLAND County

CASE NO. 1:20CR74MSM-LDA

USA vs.

Defendant: DAVID ADLER STAVELEY

a/k/a "Kurt David Sanborn," a/k/a "David Sanborn"

Address: [redacted]

☐ Interpreter Required Dialect:

Birth Date [redacted]

☑ Male ☐ Female

☐ Alien (if applicable)

Social Security Number [redacted]

DEFENDANT

Issue: ☐ Warrant ☐ Summons

Location Status:

Arrest Date 7/24/2020 or Date Transferred to Federal Custody

☑ Currently in Federal Custody
☐ Currently in State Custody
☐ Writ Required
☐ Currently on bond
☐ Fugitive

Defense Counsel (if any): Jeffrey Techentin & Mark Josephs

☐ FPD ☐ CJA ☑ RET'D
☐ Appointed on Target Letter

☑ This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 7

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
	See Attached Sheet.	See Attached Sheet.	☒ Felony ☐ Misdemeanor
			☒ Felony ☐ Misdemeanor
			☒ Felony ☐ Misdemeanor
			☒ Felony ☐ Misdemeanor
		Estimated Trial Days: 7 days	☒ Felony ☐ Misdemeanor

Add. 1

United States v. DAVID ADLER STAVELEY,
a/k/a "Kurt David Sanborn," a/k/a "David Sanborn"

INDICTMENT COVER SHEET ATTACHMENT

Count 1: (18 U.S.C. § 1349 – Conspiracy to Commit Bank Fraud)

MAX PENALTY

a. 30 years imprisonment;
b. $1,000,000 fine;
c. 5 years supervised release; and
d. $100 special assessment.

Count 2-4: (18 U.S.C. § 1344 – Bank Fraud)

MAX PENALTY FOR EACH COUNT

a. 30 years imprisonment;
b. $1,000,000 fine;
c. 5 years supervised release; and
d. $100 special assessment.

Count 5: (18 U.S.C. § 371; Conspiracy to Make False Statement to Influence the SBA)

MAX PENALTY

a. 2 years imprisonment;
b. $5,000 fine;
c. 1 year supervised release; and
d. $100 special assessment.

Count 6: (18 U.S.C. § 1028A; Count Four – Aggravated Identity Theft)

MAX PENALTY

a. Mandatory 2 years consecutive imprisonment;
b. $250,000 fine;
c. 1 year supervised release; and
d. $100 special assessment.

Case 1:20-cr-00074-MSM-LDA Document 51 Filed 10/12/21 Page 1 of 7 PageID #: 359

AO 245B (Rev. 09/19) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA
v.
David Staveley

a.k.a. Kurt Sanborn, a.k.a David Sanborn

JUDGMENT IN A CRIMINAL CASE

Case Number: **1:20CR00074-01MSM**

USM Number: **04230-049**

Jason P. Knight, Esq.
Defendant's Attorney

THE DEFENDANT:

☑ pleaded guilty to count(s) 1 and 7 of the Indictment

☐ pleaded nolo contendere to count(s) ______ which was accepted by the court.

☐ was found guilty on count(s) ______ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C § 1349	Conspiracy to Commit Bank Fraud	4/27/2020	1
18 U.S.C. § 3146(a)(1)	Failure to Appear in Court as Required	7/23/2020	7

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) ______

☑ Count(s) 2-6 ☐ is ☑ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/7/2021
Date of Imposition of Judgment

Mary S. McElroy
Signature of Judge

Mary S. McElroy
US District Judge
Name and Title of Judge

10/12/2021
Date

DEFENDANT: **David Staveley**
CASE NUMBER: **1:20CR00074-01MSM**

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

56 months;
44 months as to Count 1 and 12 months as to Count 7 to be served consecutive to each toher.

☑ The court makes the following recommendations to the Bureau of Prisons:

The defendant be placed at Fort Devens or a facility as close to Massachusetts at possible for familial reasons.

☑ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at ______________ ☐ a.m. ☐ p.m. on ______________________ .
- ☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 2 p.m. on ______________________ .
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on ______________________ to ______________________

a ______________________ , with a certified copy of this judgment.

____
UNITED STATES MARSHAL

By ______________________
DEPUTY UNITED STATES MARSHAL

DEFENDANT: David Staveley
CASE NUMBER: 1:20CR00074-01MSM

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

3 years;
3 years as to Counts 1 and 7 to run concurrent with each other.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
   ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☑ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: David Staveley
CASE NUMBER: 1:20CR00074-01MSM

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature ______________________________ Date ______________

DEFENDANT: David Staveley
CASE NUMBER: 1:20CR00074-01MSM

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall refrain from any alcohol use.

2. The defendant shall participate in a program of substance abuse testing to include alcohol testing (up to 72 drug tests per year), as directed and approved by the Probation Office.

3. The defendant shall participate in a program of mental health as directed and approved by the Probation Office.

4. The defendant shall participate in a manualized behavioral program as directed by the USPO. Such program may include group sessions led by a counselor or participation in a program administered by the USPO

5. The defendant shall contribute to the cost of all ordered treatment and testing based on ability to pay as determined by the probation officer.

6. The defendant is to provide access to all financial information requested by the supervising probation officer including, but not limited to, copies of all federal and state income tax returns. All tax returns shall be filed in a timely manner.

7. The defendant will not open new lines of credit, which includes the leasing of any vehicle or other property or use existing credit resources without the prior approval of the supervising probation officer until court ordered financial obligations have been satisfied.

8. The defendant will maintain one personal checking account. All the defendant's income, monetary gains, or other pecuniary proceeds will be deposited into this account, which will also be used for payment of all personal expenses. Records of all other bank accounts, including business accounts, will be disclosed to the supervising probation officer upon request.

9. The defendant will not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of $1,000.00 without the approval of the supervising probation officer until all financial obligations imposed by this court have been satisfied.

10. The defendant will not hold employment having fiduciary responsibilities during the supervision term without first notifying the employer of the conviction. The defendant will not hold self-employment having fiduciary responsibilities without approval of the supervising probation officer.

11. The defendant will cooperate with the U.S. Probation Office in the investigation and approval of any position of self-employment, including any independent, entrepreneurial, or freelance employment or business activity. If approved for self-employment, the defendant will provide the U.S. Probation Office with full disclosure of self-employment and other business records, including, but not limited to, all of the records identified in the Probation Form 48F (Request for Self-Employment Records), or as otherwise requested by the U.S. Probation Office

DEFENDANT: David Staveley
CASE NUMBER: 1:20CR00074-01MSM

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$ 200.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00

☐ The determination of restitution is deferred until ________ . An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss***	Restitution Ordered	Priority or Percentage
TOTALS	$ 0.00	$ 0.00	

☐ Restitution amount ordered pursuant to plea agreement $ ________________

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: David Staveley
CASE NUMBER: 1:20CR00074-01MSM

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A ☑ Lump sum payment of $ 200.00 due immediately, balance due

☐ not later than __________, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal ________ *(e.g., weekly, monthly, quarterly)* installments of $ ________ over a period of ________ *(e.g., months or years)*, to commence ________ *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☐ Payment in equal ________ *(e.g., weekly, monthly, quarterly)* installments of $ ________ over a period of ________ *(e.g., months or years)*, to commence ________ *(e.g., 30 or 60 days)* after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within ________ *(e.g., 30 or 60 days)* after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers *(including defendant number)*, Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☑ The defendant shall forfeit the defendant's interest in the following property to the United States:
All property, real or personal, used or intended to be used to commit or facilitate the commission of the offenses of conviction.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

Exhibit B

The Law Office of
Jason Knight

One Turks Head Place, Suite 1440
Providence, RI 02903
O: (401) 865-6075 F: (401) 216-8234
jason.knight@jasonknightlaw.com

A-1

May 27, 2021

David Staveley, 04230-049
Donald W. Wyatt Detention Facility
950 High Street
Central Falls, RI 02863

RE: DIGITAL EVIDENCE

Dear David,

I hope this letter finds you well. Please reach out to Luz Jimenez, the Evidence Coordinator and request to review the evidence in your case.

If you have any questions or concerns, please do not hesitate to contact this office.

Sincerely,

Jason Knight

rec. on 5-30-21

Exhibit B-2 [illegible]

Request Report

Internal E-Mail from Wyatt

Printed: 7/16/2021 8:41:23AM

Request Type: EVIDENCE AND GRIEVANCE COORDINAT(Request Subtype: EVIDENCE AND GRIEVANCE COORDINATOR

Assigned Group: EVIDENCE AND GRIEVANCE Assigned User:

Request Number: 251233 Status: CLOSED Inmate Name: STAVELEY, DAVID

Initial Location: DWDF B 27 A Current Location: DWDF B 27 A

Inmate Number: 04230049 Inmate Secondary Number:

Stamp Action Detail — Plea Signed 5-20-21 ? Never saw evidence ? 6/1/21 — User — Notified by [illegible] 5-27-21 [illegible] [illegible] hand [illegible] in place

06/01/2021 04:42 pm

ORIGINAL REQUEST:

DEAR MS. JIMENEZ, MY ATTORNEY SAID TO CONTACT YOU TO REVIEW EVIDENCE IN MY CASE. PLEASE ADVISE AS TO HOW I CAN REVIEW? MY ATTORNEY SAYS HE SENT A MEMORY STICK FOR MY FUTURE USE WITH ALL EVIDENCE ON IT? THANK YOU, DAVID STAVELEY 04230049, UNIT B CELL 27

06/02/2021 09:53 am LJIMENEZ

CLOSED:

Mr. Staveley

Yes I have been in contact with your attorney. At your request I can add you to the schedule to start reviewing your evidence. Bpod goes down on Tuesday afternoons and Wednesday mornings. I can add you on either day just let me know which day works better for you.

Ljimenez

A-2

Request Type: EVIDENCE AND GRIEVANCE COORDINAT(Request Subtype: EVIDENCE AND GRIEVANCE COORDINATOR

Assigned Group: EVIDENCE AND GRIEVANCE Assigned User:

Request Number: 251815 Status: CLOSED Inmate Name: STAVELEY, DAVID

Initial Location: DWDF B 27 A Current Location: DWDF B 27 A

Inmate Number: 04230049 Inmate Secondary Number:

Stamp Action Detail User

06/04/2021 12:08 pm

ORIGINAL REQUEST:

DEAR MS. JIMENEZ, EITHER IS FINE. A QUESTION? THE MEMORY STICK THAT THE EVIDENCE IS ON? DO YOU GIVE THAT TO ME AT MY RELEASE FROM THIS INSTITUTION? THANK YOU FOR YOUR HELP. DAVID STAVELEY, 04230049 UNIT B CELL 27

06/07/2021 01:13 pm LJIMENEZ

CLOSED:

Mr. Staveley

I have added you to the schedule for Tuesday afternoon. As for the evidence it gets returned to your attorney upon your release.

Ljimenez

Request Type: EVIDENCE AND GRIEVANCE COORDINAT(Request Subtype: EVIDENCE AND GRIEVANCE COORDINATOR

Assigned Group: EVIDENCE AND GRIEVANCE Assigned User:

Request Number: 252205 Status: CLOSED Inmate Name: STAVELEY, DAVID

Initial Location: DWDF B 27 A Current Location: DWDF B 27 A

Inmate Number: 04230049 Inmate Secondary Number:

Stamp Action Detail User

Add. 10

Request Type: EVIDENCE AND GRIEVANCE COORDINATC Request Subtype: EVIDENCE AND GRIEVANCE COORDINATOR
Assigned Group: EVIDENCE AND GRIEVANCE Assigned User:
Request Number: 252205 Status: CLOSED Inmate Name: STAVELEY, DAVID
Initial Location: DWDF B 27 A Current Location: DWDF B 27 A
Inmate Number: 04230049 Inmate Secondary Number:

Stamp Action User
Detail

06/07/2021 04:32 pm
ORIGINAL REQUEST:
DEAR MS. JIMINEZ, THANK YOU. COULD YOU TELL ME WHEN YOU OR WYATT RECEIVED THE EVIDENCE FROM ATTORNEY KNIGHT? ALSO, I SUFFER FROM INTENSE MIGRAINES DUE TO A VIOLATE A**AULT COMMITTED AGAINST ME BY A GUARD IN THE BOP. THESE MIGRAINES HAVE BEEN OFTEN IN RECENT DAYS AND CAUSE ME TO HAVE A HARD TIME IN THE LIGHT AND READING IS VERY DIFFICULT AND PAINFUL. IF I HAVE A MIGRAINE I WILL TRY BUT READING IS VERY DIFFICULT AND CAUSES THE MIGRAINE TO BECOME MORE INTENSE. I HOPE YOU UNDERSTAND. DAVID STAVELEY, 04230049, UNIT B CELL 27

A-2

06/07/2021 05:30 pm LJIMENEZ
CLOSED:
Mr. Staveley

Your evidence arrived to the facility 4/22/21. Hope this helps.

Ljimenez

Request Type: EVIDENCE AND GRIEVANCE COORDINATC Request Subtype: EVIDENCE AND GRIEVANCE COORDINATOR
Assigned Group: EVIDENCE AND GRIEVANCE Assigned User:
Request Number: 252319 Status: CLOSED Inmate Name: STAVELEY, DAVID
Initial Location: DWDF B 27 A Current Location: DWDF B 27 A
Inmate Number: 04230049 Inmate Secondary Number:

Stamp Action User
Detail

06/08/2021 09:34 am
ORIGINAL REQUEST:
DEAR MS. JIMINEZ, I AM SUFFERING FROM A MIGRAINE TODAY. I BELIEVE LOOKING AT A COMPUTER TERMINAL WILL MAKE IT WORSE AND I WONT BE ABLE TO FOCUS. COULD I RESCHEDULE TO REVIEW EVIDENCE? ALSO, I WAS SUPPOSE TO REVIEW WEEKS AGO PRIOR TO A PLEA THAT HAD A DEADLINE? SO I NEVER SAW THE EVIDENCE PRIOR TO PLEA. THANK YOU FOR UNDERSTANDING. DAVID STAVELEY, 04230049

06/10/2021 11:41 am LJIMENEZ
RESPONSE:
Mr. Staveley

I was notified that you were not feeling well. Be advised that still counts as a refusal. I will still keep you on the schedule for next week. Keep in mind per policy you are removed off the schedule after 3 refusals.

Ljimenez

06/15/2021 09:50 am LJIMENEZ
CLOSED:
Mr. Staveley

You are on the schedule for this afternoon.

Ljimenez

Request Type: EVIDENCE AND GRIEVANCE COORDINATC Request Subtype: EVIDENCE AND GRIEVANCE COORDINATOR

Assigned Group: EVIDENCE AND GRIEVANCE Assigned User:

Request Number: 253896 Status: CLOSED Inmate Name: STAVELEY, DAVID

Initial Location: DWDF B 27 A Current Location: DWDF B 27 A

Inmate Number: 04230049 Inmate Secondary Number:

Stamp Action User

Detail

06/15/2021 01:01 pm

ORIGINAL REQUEST:

DEAR MS. JIMINEZ, I WILL COME TO EVIDENCE, BUT WOULD LIKE TO SPEAK WITH YOU. THE EVIDENCE FOR MY CASE WAS RECEIVED ON 4/22/21, YET I WAS NOT INFORMED AND WAS OFFERED A PLEA WITH A HARD DEADLINE. I ACCEPTED THE PLEA BUT NEVER SAW THE EVIDENCE IN THE CASE ALTHOUGH IT WAS AT WYATT AND AVAILABLE TO SEE PRIOR? COULD YOU EXPLAIN WHY I WAS PUT IN THIS SITUATION? VIEWING THE EVIDENCE NOW IS A MUTE POINT SINCE THE PLEA HAD A DEADLINE AND WAS NEVER GIVEN THE OPPORTUNITY TO VIEW. THANK YOU, DAVID STAVELEY

A-3

06/16/2021 06:07 pm LJIMENEZ

CLOSED:

Mr. Staveley

Per our conversation I explained to you that your attorney was suppose to notify you (the client) that he was sending in some evidence. You would then reach out to myself and I would confirm just how I confirmed when you reached out to me for the first time.

Ljimenez

Total Requests: 5

Request Report - CLOSED

Printed: 10/8/2021 1:06:45PM

B-1

Request Number: 264201
Submitted: 8/9/21 4:52 pm
Inmate Number: 04230049
Type: CHIEF OF SUPPORT
Inmate Secondary Number:
Sub Type: CHIEF OF SUPPORT
Inmate Name: STAVELEY, DAVID
Initial Location: DWDF B 27 A
Current Location: DWDF B 27 A

Stamp Action Detail | User

8/9/2021 4:52:26PM
ORIGINAL REQUEST:
DEAR MAJOR, I APOLOGIZE FOR BOTHERING YOU, BUT FOR 10 DAYS I HAVE BEEN REQUESTING A PHONE SHEET TO REGISTER MY ATTORNEYS PHONE NUMBER SO I CAN EFFECTIVELY COMMUNICATE WITH COUNSEL. STILL TO THIS DAY I HAVE NOT BEEN GIVEN A PHONE SHEET AND HAVE NOT BEEN ABLE TO COMMUNICATE WITH MY ATTORNEY. PLEASE HELP. I AM PROVIDING YOU WITH HIS INFORMATION. WOULD YOU BE KIND ENOUGH TO PUT MY ATTORNEY ON MY CALL LIST AND NOTIFY ME YOU HAVE DONE SO? PLEASE. ATTORNEY JASON KNIGHT, ONE TURKS HEAD PLACE, 1440, PROVIDENCE, RI 02903... 401 865 6075. JASON AT JASONKNIGHTLAW.COM. THANK YOU MAJOR. NOT SURE WHY THINGS ARE SO DIFFICULT FOR ME? MUCH THANKS FOR YOUR HELP. DAVID STAVELEY, 04230049, UNIT B CELL 27

8/10/2021 7:54:33AM — ALEPORE
RESPONSE:
Good morning, I will send this request with the information you provided to the Programs where your Counselor will be able to input the information. Should you have any issues going forward let me know.
Have a good day, Major Lepore

8/10/2021 7:54:40AM — ALEPORE
GROUP ASSIGNED CHANGED
TO PROGRAM DIRECTOR

8/10/2021 1:05:48PM
INMATE RESPONSE:
THANK YOU FOR YOUR HELP

Call did not occur from Atty's facility came in person!

8/10/2021 4:27:49PM — KDAMASO
RESPONSE:
Mr. Staveley - you had a legal call on 8/5, and tehre are phone sheets available on the officers station, but I will assure that someone meets individually with you tomorrow. KDamaso

8/10/2021 4:27:53PM — KDAMASO
GROUP ASSIGNED CHANGED
TO PROGRAM SERVICES

8/11/2021 9:09:42AM — CCANIGLIA
CLOSED:
Please fill out a phone sheet and give it to me when I am in on rounds
UM CCaniglia

Given for 5th Time dating back to 4/2021

Could not Find 259405 ?

Add. 13

Request Report - CLOSED

Printed: 10/8/2021 1:07:09PM

B-2

Request Number: 265284
Submitted: 8/15/21 1:47 pm

Inmate Number: 04230049
Type: CHIEF OF SUPPORT

Inmate Secondary Number:
Sub Type: CHIEF OF SUPPORT

Inmate Name: STAVELEY, DAVID

Initial Location: DWDF B 27 A
Current Location: DWDF B 27 A

Stamp / Action / Detail	User
8/15/2021 1:47:09PM ORIGINAL REQUEST: DEAR MAJOR LEPORE, I REQUESTED THROUGH YOU ON AUGUST 8, 2021 TO HAVE MY ATORNEY PHONE NUMBER PLACED ON MY PHONE LIST. I HAD BEEN TRYING FOR 10 DAYS TO GET A PHONE REQUEST SHEET AND WAS UNSUCCESSFUL? YOU TOLD ME BY INTERNAL EMAIL IT WOULD BE TAKEN CARE OF AND THE NUMBER WOULD BE PUT ON MY ACTIVE LIST. IT AS OF AUGUST 15, 2021 IS STILL NOT ACTIVE AND I HAVE NOT BEEN ABLE TO EFFECTIVELY COMMUNICATE WITH MY LEGAL COUNSEL. I AM PROVIDING YOU WITH THE INFORMATION AGAIN TO HELP FACILITATE MY ABILITY TO SPEAK WITH LEGAL COUNSEL. ATTORNEY JASON KNIGHT, ONE TURKS HEAD PLACE, SUITE 1440, PROVIDENCE, RI 02903. PHONE NUMBER TO REGISTER 401 865 6075. PLEASE FACILITATE THIS AS SOON AS POSSIBLE. I HAVE BEEN WITHOUT THE ABILITY TO CONFER WITH COUNSEL FOR SOMETIME. THANK YOU MAJOR LEPORE FOR YOUR HELP IN SOLVING THIS SEEMINGLY SIMPLE MATTER. I AM NEED TO SPEAK WITH COUNSEL. THANK YOU, DAVID STAVELEY, 04230049, UNIT B CELL 27	
8/16/2021 12:59:53PM GROUP ASSIGNED CHANGED TO PROGRAM DIRECTOR	DMARTIN
8/16/2021 3:44:17PM CLOSED: Mr. Staveley - you have had ample opportunity to speak wiht both unit managers and counselors to request a phone sheet, as well as the stack of phone sheets that are left on the officers station for detainee use. Ms. Caniglia is putting numbers in GTL right now that she recieved from Bravo Pod. Also, you have not requested for us to reach out to your attorney to facilitate a legal call through the office. PLease submit a request for a legal call if you desire. Ms. Caniglia will be down right now to have you fill out the proper paperwork and will have this number added to your list. KDamaso * Never happened (See future correspondence)	KDAMASO

Add. 14

Request Report - CLOSED

Printed: 10/8/2021 1:10:30PM

B-3

Request Number: 265503

Inmate Number: 04230049

Inmate Secondary Number:

Inmate Name: STAVELEY, DAVID

Initial Location: DWDF B 27 A

Submitted: 8/16/21 4:07 pm

Type: CHIEF OF SUPPORT

Sub Type: CHIEF OF SUPPORT

Current Location: DWDF B 27 A

Stamp Action Detail User

8/16/2021 4:07:31PM

ORIGINAL REQUEST:

DEAR MAJOR LAPORE, YOU ARE INCORRECT. I MADE REQUESTS OVER THE COURSE OF 10 DAYS TO RIVARD AND NUMEROUS CO,S TO GET PAPERWORK. I WOULD NOT HAVE BOTHERED YOU IF I HAD NOT EXHASTED MY OPTIONS PRIOR. I TAKE EXCEPTION TO YOUR FALSE ACCUSATIONS. THANK YOU, DAVID STAVELEY, 04230049

8/17/2021 1:30:02PM ALEPORE

CLOSED:

Good afternoon, I am not sure what your talking about? Explain in more detail.
Have a good day, Major Lepore

Add. 15

Request Report - CLOSED

Printed: 10/8/2021 ~~1:11:12PM~~

B-4

Request Number: 274610

Inmate Number: 04230049

Inmate Secondary Number:

Inmate Name: STAVELEY, DAVID

Initial Location: DWDF B 27 A

Submitted: 10/7/21 8:04 pm

Type: CHIEF OF SUPPORT

Sub Type: CHIEF OF SUPPORT

Current Location: DWDF B 27 A

Stamp Action Detail User

* Atty. # still not available promised 8/16/21 again?

10/7/2021 8:04:29PM

ORIGINAL REQUEST:

DEAR MAJOR LAPORE, YOU ASKED ME TO COMMUNICATE WITH YOU IF I HAD ANY ISSUES? AS YOU MAY REMEMBER I HAVE HAD A VERY HARD TIME GETTING MY ATTORNEY PHONE NUMBER INTO THE SYSTEM. YOU AND COUNSELOR CONIGLIA HAVE RECEIVED THE NUMBER AND N3CESSARY FORM. AS OF TONIGHT THE NUMBER STILL DOES NOT WORK? SORRY TO BE THE BEARER OF BAD NEWS. PLEASE, PLEASE, PLEASE COULD YOU PUT THE FOLLOWING PHONE NUMBER 401 865 6075, ATTY JASON KNIGHT, ONE TURKSHEAD PLACE, SUITE 1440, PROVIDENCE, RI INTO THE PHONE SYSTEM SO I MAY CALL HIM? THANK YOU, DAVID STAVELEY 04230049, UNIT B CELL27

10/8/2021 8:13:56AM ALEPORE

CLOSED:

Good morning, I will give this information to Major Damaso, she will have someone from her department enter this in the system for you.

Have a good day, Major Lepore

Request Report - OPEN

Printed: 10/8/2021

B-5

Request Number: 274659

Submitted: 10/8/21 9:36 am

Inmate Number: 04230049

Type: CHIEF OF SUPPORT

Inmate Secondary Number:

Sub Type: CHIEF OF SUPPORT

Inmate Name: STAVELEY, DAVID

Initial Location: DWDF B 27 A

Current Location: DWDF B 27 A

Stamp	Action	Detail	User

10/8/2021 9:36:58AM

ORIGINAL REQUEST:

X DEAR MAJOR LAPORE, THANK YOU FOR ADDRESSING THE ONGOING ISSUE OF GETTING MY ATTORNEY PHONE NUMBER INTO THE INMAYE SYSTEM. AS YOU KNOW I HAVE BEEN REQUESTING FOR MONTHS THIS ACCESS AND FILLED OUT ALL FORMS AND COMMUNICATED REPEATEDLY WITH YOU. MY HOPE IS IT CAN FINALLY BE RECTIFIED. ACCESS IS CRITICAL DURING COVID CONDITIONS. ALSO I KNOW I MUST GO TO YOU TO GET COPIES OF INTERNAL CORRESPONDENCE. YOU HAVE BEEN HELPFUL IN THE PAST SO MY HOPE IS YOU CAN ACCOMODATE THIS REQUEST AS WELL? COULD I GET COPIES OF INTERNAL REQUESTS 259405, 264201, 265284, 265503 AND 274610. FIVE REQUESTS. THANK YOU MAJOR FOR YOUR A**ISTANCE. DAVID STAVELEY, 04230049, UNIT B CELL 27

Exhibit C

The Disciplinary Board
of the
Supreme Court of Rhode Island

May 5 2022
Date

Return Form to: Chief Disciplinary Counsel
Philip W. Noel Judicial Complex
222 Quaker Lane - Room 1083
Warwick, Rhode Island 02886
(401) 823-5710
(401) 822-6071 (Fax)

Please Print or Type:

David Staveley
(First) (Middle Initial) (Last)

590 Mammoth Rd #2
(Mailing Address - Street or Post Office)

Dracut, Mass. 01826
(City/Town) (County) (State) (Zip Code)

Telephone Number(s) Business: C 978-204-8750 Home Phone: 978-455-7093

Attorney against whom you wish to file a complaint:

Atty. Jason Knight
(Name)

One Turks Head Place Ste 1440, Providence, RI 02903
(Mailing Address)

Did you employ the attorney: Yes ☒ No ☐

If yes, give the approximate date of employment: Feb. 24, 2022

If no, what is your connection with the attorney?

Nature of Complaint. (a) Provide a detailed description(dates, names, etc.) of the attorney's conduct. (b) Attach additional pages as necessary. (c) Please provide a copy of any document(s) that you refer to in your complaint. (d) Please ***sign*** your complaint.

See attached Complaint
with Judith S. Sanborn + David Staveley

If your complaint is about a law suit, please furnish the following information, if available:

Title of Suit: ______

Suit Number: ______ Date Suit Filed (approximate) ______

Name of Court: ______

David Staveley
(Signature)
Judith S. Sanborn

FORM BBO-1
Page One

OFFICE OF THE BAR COUNSEL OF THE BOARD OF BAR OVERSEERS OF THE SUPREME JUDICIAL COURT FOR THE COMMONWEALTH OF MASSACHUSETTS

COMPLAINT

Date: March 7, 2022

Instructions:

(1) Please type, if possible. Otherwise use a dark pen.

(2) Write only on the front side of the paper.

(3) Specify exactly what the attorney did that you believe to have been misconduct. Attach additional sheets if necessary.

(4) Enclose copies of documents as specified on the attached list of requested documents. Please do not send original documents.

(5) Retain copies for your records of this and any subsequent correspondence and documentation sent to this office.

(6) Please return to:

OFFICE OF THE BAR COUNSEL
99 High Street
Boston, Massachusetts 02110
tel: (617) 728-8750
fax: (617) 482-2992
https://www.massbbo.org

1. I, Judith S. Sanborn + David S Staveley,
(type or print your full name)
allege that attorney Jason Knight
whose office address is One Turks Head Place Ste. 1440, Providence, RI 0290[illegible]
has committed acts of misconduct as set forth in the Statement of Facts attached.

2. I request that the Office of the Bar Counsel investigate this misconduct.

3. I understand that a copy of this statement may be mailed to the attorney for a reply.

4. I understand that this matter must be kept confidential by Bar Counsel and the Board of Bar Overseers.

(signature) David Staveley / Judith S. Sanborn

(address) 45B Mammoth Rd #7
Dracut MA 01826

(telephone) ~~work:~~ Home retired 978-455-209[illegible]
cell: 978-204-8750
home:

FORM BBO-1
Page Two

ADD ADDITIONAL SHEETS IF NEEDED.

**STATEMENT
OF FACTS**

Please do not write above this line and write only on the front of this and any other pages you attach.

Please fill in the following, if applicable:

Court case name: USA vs. Staveley

Name of Court: U.S. District Court - District of R.I. (Providence

Statement of Facts:

See attached 3-7-2022 Complaint
Attachments #1 thru 5

March 19, 2022

Ethics Commission of R.I
Providence City Hall
25 Dorrance Street
Providence, R,.

To Whom It May Concern:

This is a complaint filed to the Office of the Bar Counsel in the State of Massachusetts against Atty. Jason Knight, an attorney in R.I. and a representative of the State of R.I. This is not an easy thing to do at the age of 81years, but this man has no integrity, is dishonest and a bully.

I have sent you my letter of complaint and I have proof of this that I have forwarded to the Bar Counsel in Massachusetts and I would forward it to you if needed.

Sincerely,

Judith S. Sanborn
judithsanborn2014@gmai..com

[illegible] 17 [illegible]

Told had a time limit to expire May 18, 2021 per Lee Vilker

* May 27, 2021 Received letter from official Jason Knight I could contact an individual at Wyatt taser evidence. 10 days after Plea signed

* June 4, 2021 Wyatt Evidence reports I can now review evidence. self admitted in their possession since 4/22/21

* June 6, 2021 Wyatt Reports the responsibility of notifying me to review evidence falls on Atty. not them.

* Never saw or was informed of evidence on site to review? Problem —

* We know now the Steven Scott and Joan Conner had access to the very e-mail address Prosecution claims is the basis of the conspiracy. Would not have taken Plea!

Just because you made mistakes
it doesn't mean you are one!

4-4-22
This pkg to Kane, Blass Bolton(?), RI. Board Disciplinary

Addendum A

March 7, 2022

Complaint against Atty. Jason Knight by Judith S. Sanborn to the Office of the Bar Counsel

I called the law office of Atty.Knight in February of 2021 and told him about my son David Staveley, an inmate in D.W. Wyatt. We discussed my concerns and that his fees would be $25,000 for a Plea and $35,000 if it went to trial. I told him I was 81 years old and would have to use all my retirement money and would think about it and get back to him which I did and on 2/24/21 I sent the First check for $10,000 on that verbal agreement (See the attached copies of my checks #1). During that time he did see David for an initial consult, but as he did not register his telephone with DW Wyatt for David to be able to reach him I would have to text or call him with any questions David had and he would give an answer or say he would see him in a few days or the following week, but that didn't happen. This continued in this manner until April when he told me it was time for more money and I sent another check for $10,000. David would ask to tell him he needed to see him as he had information and questions and I would let Jason know and Jason would text or call me and tell me to tell David.

Atty, Knights first correspondence to David Staveley was on 5/27/2021 (#2) telling him to reach out to the Evidence Coordinator at Wyatt as he left the evidence with them on Aoril 22, 2021 instead of giving it to David . This letter was received by David on May 30,2021, but the evidence was held onto by Wyatt and had to go through their coordinator. (see attached request report(#3). Another request for money and on 5/28/21 I sent him another check not knowing he brought a Plea to be signed on 5/17/21 giving David 72 hrs for concerns and changes. Two more money requests knowing I had already given him more than the $25,000 for a plea and leading me to believe he would stop working if I didn't comply. That brought it to $28,000 and we still had no contract and one letter. David never saw the evidence before signing a plea.

Sentencing was set for August 5, 2021 but was rescheduled and moved to October 5, 2021 by Atty Jason Knight without David's knowledge, in fact I learned about it and told him. He was was under much duress and to add to that Atty. Jason Knight showed up at D W Wyatt with a paper for David to sign and told him to just sign it and do not date it as he lost the original fee contract. There never was one and he never sent a copy of this one either.

After sentencing Jason Knight never spoke or went to see his client and you will see the court order (#4) directing him to complete his job as I had asked him for copies of all papers and he refused stating he needed more money, hence the appeal.

The only other correspondence from Atty, Jason Knight is a Letter dated 11/30/21 (#5) written as a summary. We have never received a contract or itemized bill and I only have those copies of my checks equaling $33,000. He owes me at least $8.000 unless he can prove he did any kind of work in fact, at the sentencing they called David Staveley a liar, his attorney did not object and both attorney and prosecutor knew of the BOP records containing the report of the rape and beatings by the guard in the BOP.

Addendum B

April 12, 2022

New evidence of Atty. Jason Knight's conspiracy with Prosecutor Lee Vilker came to our attention yesterday by way of the Psychologist at FMC Devens Facility. She found both Medical and Psychological records dating back to 2015 and a Federal request by Prosecuter Lee Vilker, which he received in the fall of 2020, containing all the proof of the incident of rape, beatings and isolation of David A. Staveley. I don't doubt he told Jason Knight of his findings, but he did lie to the Rhode Island court and Judge McElroy at the sentencing saying David Staveley was a liar and that there were no records.

Jason Knight told me why they were not investigating the attorney for the restaurant in Berlin, MA, one Atty. James Mears of Peabody, MA. He said he was a confidential witness in another MA case even though he was the attorney filling out all the forms and notarizing all signatures even without the persons being there. Steven Scott was another person of interest as early on he did the computer work in the restaurant along with Joan Connors until they had a disagreement and he became a realtor in Rhode Island and was involved with the restaurant purchases by David Butzinger in Warwick. Atty. Mears was also involved, along with phantom investors in these projects.

Jason Knight also told David that MA refused this case for too little evidence.

These two men representing the state of Rhode Island also had to win this case because they brought the news media into the courtroom for the sentencing in order to enhance their political careers, not for justice.

Judith S. Sanborn

5-6-2022
David Stanko

Addendum C

Attorney Jason Knight never provided an engagement letter until after 6 months of representation. He began representation in March 2020 and it was not until August of 2020 that he presented a representation agreement. I was told if I did not sign he would resign. During the first 6 months of representation he would call my 81 year old mother and request payment totaling over 30K and if not sent he would resign. Effectively threaten a senior 81 year old women. NEVER was an invoice issued demonstrating work performed nor to date have we ever received a copy or any record of a representation letter. Atty Knight also told me not to date the representation letter presented to me in August 2020.

Additionally Atty. Knight had me execute a binding plea without seeing or reviewing evidence in my case. As demonstrated in the attached letter on Knight letterhead approximately 14 days after the plea was signed he notified me I could now see and review the evidence in the case. These are just a few of Atty. Knight's deceptions

STATE OF RHODE ISLAND

SUPREME COURT
Disciplinary Board
John E. Fogarty Judicial Annex
Noel Judicial Complex
222 Quaker Lane – Room 1083
Warwick, RI 02886
(401) 823-5710
Fax (401) 822-6071

Complainant DAVID STAVELEY JUDITH S. SANBORN v. **Respondent** JASON KNIGHT	**Disciplinary File Number** DI-2022-094IC

Dear MR. STAVELY and MS. SANBORN:

This office acknowledges receipt of your recent request for investigation with regard to the above-noted attorney. We have forwarded a copy to attorney JASON KNIGHT for a response. You will receive a copy of the response when it is received by this office.

This letter was generated on 5/13/2022.	Kerry Reilley Travers Kerry Reilley Travers Chief Disciplinary Counsel
This letter was sent to: DAVID STAVELEY JUDITH S. SANBORN 590 MAMMOTH ROAD - #2 DRACUT, MA 01826	

Exhibit C
Addendum D

STATE OF RHODE ISLAND

SUPREME COURT
Disciplinary Board
Noel Judicial Complex
222 Quaker Lane – Room 1083
Warwick, RI 02886
(401) 823-5710
Fax (401) 822-6071

Complainant DAVID STAVELEY v. **Respondent** JASON KNIGHT	**Disciplinary File Number** DI-2022-0941C

Dear DAVID STAVELEY:

Please find enclosed a copy of a response received in our office by attorney JASON KNIGHT relative to your complaint. Please review this information and provide this office with your further written comments on or before **6/2/2022**.

Your cooperation in this matter is appreciated.

This letter was generated on 5/18/2022.	Kerry R Travers Kerry Reilley Travers Chief Disciplinary Counsel
This letter was sent to: DAVID STAVELEY 590 MAMMOTH ROAD - #2 DRACUT, MA 01826	

Enclosure

Addendum D

The Law Office of Jason Knight

One Turks Head Place, Suite 1440
Providence, RI 02903
O: (401) 865-6075 F: (401) 216-8234
jason.knight@jasonknightlaw.com

May 16, 2022

RECEIVED

MAY 17 2022

State of Rhode Island
Supreme Court Disciplinary Board

Supreme Court of Rhode Island
Kerry Travers, Chief Disciplinary Counsel
Disciplinary Board
Noel Judicial Complex
222 Quaker Lane Road - Room 1083
Warwick, RI 02886
via email to disc@courts.ri.gov

Subj: Staveley, *et al* v. Jason Knight - DI-2022-094IC

Ms Travers,

(1) I am in receipt the Board's correspondence and associated complaint dated May 13, 2022. In accordance with the Board's instructions, please see my response below.

(2) I represented Mr. Staveley in Rhode Island U.S. District Court case 20-CR-74 MSM in which he was charged conspiracy, several counts of bank fraud, false statements to the Small Business Administration, aggravated identity theft, and failure to appear in court (escape).

(3) Mr. Staveley was first arrested on or about May 5, 2020. He was represented by another attorney from May of 2020 until I entered my appearance on or about March 1, 2021.

(4) In this matter I took contemporaneous "running notes" of events in the case and have relied on those notes and my memory to fashion my response to the complaint.

(5) I was first contacted about this case by David Staveley's mother, Judith Sanborn in February of 2021. I recall speaking with her on the telephone. I recall discussing the case and quoting a fee. I recall discussing a fee at $25,000 for the case but later, and in the same conversation, put forth a final quote of $35,000 for the entire case - with or without a trial. Thereafter, on or about March 1, 2021, I received word that the family wished to hire me. I was paid $10,000 upfront and I filed an entry in the case.

(6) At that point, there was a lot of work to do because the client had a pending motion for compassionate release based on his medical condition. I moved quickly to obtain medical records from his prior incarceration and his time at Wyatt to evaluate the motion and its potential for success.

Untrue
At consult he said it frivolous
All medical records came from VA
I provided to him Wyatt records

a 4 month unfiled was to coerce cooperate Ribeiro.

7 On or about March 10, 2021 I visited the client at the Donald Wyatt Detention Facility in Central Falls and updated him on my progress evaluating his motion and obtaining background information about the case. Critical 6 visits Total

8 On or about March 21, 2022 I visited the client at Wyatt and discussed the case at length. Mr. Staveley also signed the fee agreement. A copy of the fee agreement is attached to this letter. Unfiled not present until Aug 5. 2021

9 During the months of March and April 2021, I received an enormous amount of discovery and I spent many hours culling through the material. Much of it was only marginally relevant and contained a variety of data dumps by Google in response to the government's search warrants. When I visited the client during this period, each visit was lengthy. of routine Never Received Updates Never heard from did

10 During each of these visits, the client wished to discuss at length certain mitigating factors in his case and why the evidence did not present a complete picture of the case. The client was obsessed with the role of an attorney who had been deeply involved with several transactions relevant to the fraud counts. Obsessed as to why the atty. involved was not investigated yet. This is an exception. Crucial visit to May to plea agreement

11 I distilled the evidence down and determined that the client would likely be convicted if he chose to go to trial. I distinctly recall visiting him and going over this evidence which included the fact that his co-defendant was a cooperating witness. Never saw evidence if this was true why did he send a letter stating I could now see the evidence Mr. Kilcoyne is full of it

12 During this time, the prosecutor, put forward a plea offer with a time limit. My understanding was that the prosecutor was frustrated that he was about a year into the case and it was still pending. I indicated to the prosecutor that I could not comply with his deadline because of my recent entry into the case and that there were at least some counts of the indictment that were not entirely supported by the evidence.

He said do not date Trial Kilcoyne dated and back dated to March The enclosed document

13 Based on these discussions, the prosecutor put forward a new offer, dismissing some counts, and a new deadline. With this offer in hand, I visited the client on two separate occasions to discuss the offer in light of the relevant evidence. Specifically, I brought the new plea offer for his consideration on May 4, 2021. I visited him again on May 6, 2021. On that date the client signed the plea agreement. It was made clear to him that he could back out and opt for a trial anytime prior to the actual change of plea. May 5. 3 page search and overall attach

14 Additionally, on April 20, 2021 I forwarded a hard drive containing the entire evidence collection to the client pursuant to Wyatt's evidence procedures. I understand that Staveley had difficulty setting up a time to view the evidence on a computer. Nevertheless, I am confident the client saw and was aware of the key pieces of evidence that would be used against him because I personally showed Staveley that material during my discussions regarding the plea offer. Sent letter on May 27th Contradicts

15 Finally, I was always available via telephone to his mother. For some reason, the client never endeavored to call me directly from Wyatt. Pursuant to Wyatt procedures, it is incumbent on the inmate to set up his phone privileges and obtain approval for certain numbers he wishes to call. See email / inmate to get [illegible]

16 On May 17, 2021, the client pled guilty pursuant to the plea agreement. Importantly the one charge that carried a mandatory and consecutive minimum sentence, aggravated identity theft, was dismissed.

17 Over the next few months, I worked assiduously to compose a sentencing memo and argument for Mr. Staveley. Fundamental to his sentencing argument was his contention that he had been sexually assaulted by a correctional officer during his previous incarceration. I worked hard over that summer to obtain documents from the U.S. Bureau of Prisons detailing his sexual assault and related PTSD. I also obtained pre-sentencing reports from other jurisdictions related to his prior incarcerations which required obtaining special permission from the courts in those jurisdictions. Never did himself / Received from prosecution

Fee?

18 On one occasion I did ask Mr. Staveley to sign another copy of the plea agreement because I had misplaced the original he had signed back in March. There were no changes made to the fee agreement between the original the duplicate.

19 I visited the client on five occasions between his plea and sentencing, including one time where we spoke for five hours, to review and refine his sentencing arguments. Lie

20 After he was sentenced, Staveley appealed. Our fee agreement specified that the agreement did not cover an appeal. Nevertheless, at the direction of the court, I completed the work necessary to formally docket his appeal with the First Circuit and hand off the matter to court appointed counsel. Court Order / never gave copy of agreement

21 Regarding the fee, ultimately I was paid $33,000 by the family. They have a remaining balance of $2,000.

22 In summary, Staveley and Sanborns' complaint is without merit. Fundamentally, they complain that there was no fee agreement in place the beginning of the case which is not true. They also allege that I failed to exercise due diligence in Staveley's defense. As outlined above, nothing could be further from the truth.

Please contact me if you need any further information.

Respectfully,

Jason Knight

Addendum A

5-16-22

page 1

Ms. Kerr Reilley Travers
Chief Disciplinary Counsel
~~Supreme Court~~
Disciplinary Board
~~335 Crooked Lane Room 1083~~
Warwick, RI 02886

DI-2022-094RC

Dear Ms Travers.

Thank you for the opportunity to have a voice and respond to Mr. Knight letter. As Mr. Knight states he communicated with my mother Judith Sanborn, infact, the majority of his correspondence was with her not me his client. (This can be provided through his texts to her). To that, I would ask that the disciplary board accept comment regarding his letter by her. She in many ways has first hand knowledge of what and how Mr. Knight acted and specifically how he made verbal fee commitments without a fee agreement and at no point was a bill itemize or other ever issued demonstrating work performed on behalf of the client. In fact, Mr. Knight would call my 81 year old mother request money (all cancelled check with dates can be provided) and state he would walk away from the case if payment was not made. This happened time and time again with no bills, statements or proof of performance just threats and leveraging an 81 year old who wanted only her son home.

I also would like to be clear no fee agreement was in place until August 5, 2021. Almost 6 month after Mr. Knight began and had already insisted on over 30K in payments. I know this for fact because I was suppose to be sentenced on August 6, 2021 and Jason Knight appeared at Wyatt Detention Center on August 5, 2021 to tell me he moved sentencing 90 days, this to was without client consent. I tell the disciplary board this in confidence. I was sexual assaulted by a Bureau of Prisons Guard in 2014, The assault has left me extremely traumatized and diagnosed with PTSD. On August 5, 2021, when Jason Knight came to Wyatt I was forced to be strip searched and it put me into a panic attack based on the assault. When Mr. Knight saw me I was in great duress. He presented to me just the signature page of the attached fee agreement and stated "if you do not sign I will dismiss myself from the case. This stands out to me because it was the day before I was suppose to sentenced and he told me "Not to date the page." The date is in someone elses writting likely Jason Knight. I declare that Mr. Knight has submitted to the Disciplary Board a forged and pre-dated document that was not even executed on March 17, 2021 and was never dated by the client. Mr. Knight is very deceptive.

I have numbered the paragraphs in Mr. Knight response to correspond with my written comment.

4. If indeed Mr. Knight had "running notes" why in no way were those notes transposed into an itemize "bill" or statement and presented for payment. No notes exist.

5. Mr. Knight on his first meeting with me, which he called an interview to determine if he wanted to take me on as a client. He stated it would be 25K for a plea and 35K to go to trial. He also said he was 99% sure he would recommend a plea. Also, he stated at this meeting that you get 1day for failing to appear - I got 12 months. He also stated that Judge McElroy was related to him and he had a very close relationship. He never stated he was an elected official in R.I.

6. Jason Knight already stated at our initial meeting that the motion for compassionate release had to be withdrawn it was futile and would only irritate the court. As demonstrated in the case docket withdrawing this motion was the only court action done by Jason Knight. No motions, no request for discovery, no action to question or request

any documents that he knew existed and would have benefited my case. Specifically, a court ordered psychological report the clearly demonstrates a rape occurred and I suffer severe ongoing trauma. Being in a jail setting only exasperbates the PTSD and causes more psychological harm. Mr. Knight didn't even make this simple request to defend his client.

The records he recieved came from the Asst. U.S. Atty and from me directly as I requested my medical record from Wyatt and gave them to him on 1 of his only six (6) visits to see me. He did no work to obtain medical records. (I have the email requests to Wyatt asking for medical records)

7. Mr. Knight only came to Wyatt six times
   1. Initial meeting in March 2021 Apprx 45 min.
   2. May 4, 2021 to present plea agreement 5 min
   3. May 5 not 6, 2021 to tell me the plea was a good deal and I should sign because a trial would cost my mother alot more money. Approximate 15 minutes
   4. August 5, 2021 to get fee agreement signed - 10 minutes at best
   5. Early September 2021 to provide a copy of PSR. (just a drop-off)
   6. Late September 2021 - never saw Mr. Knight he left a copy of his sentencing memorandum - never spoke.

(8) This statement is a complete untruth no fee agreement was presented in fact he never came on that date or had a conversation. To further my point Mr. Knight states he came to Wyatt on March 21, 2022 and I David Staveley signed the fee agreement. If this is true why is the attached fee agreement dated March 17, 2021 and dated on signature line 3-17-21? Either one ore both those dates would reflect March 21, 2021 the date he alledgedly had the document signed. This is a forgery presented to the disciplory board.

(9) Mr. Knight never visited me during these time periods in fact he only spoke to my mother to request payments. Payment with no statement demonstrating what he calls, "many hours culling through material". Not true

(10) Only once in writting because I was not able to communicate with Jason Knight he was never engaged and effective in that way. I asked how an attorney who notarized many documents that the prosecutor says were forgeries could not be a suspect. Why would we not push that subject?

10 Cont. Jason Knight never responded or answered my question(s) regarding that attorney's involvement. We later found out the attorney who was notarizing forged document was a government witness in Mass. and was never pursued on my case. Knight did nothing regarding this.

(11) Jason Knight never visited me and directly never visited to discuss evidence. If he did do this why did he send a letter (in the disciplinary boards possession) on May 27, 2021 almost 20 days after a plea was signed stating I could now go review the evidence in my case. Again Mr. Knight is forgetting his own lies. A letter on his own letter head clearly shows I never saw the evidence in my case.

(12) This is not what Jason Knight told me he stated the R.I US Atty's office was overwelmed with 2 large cases, a large latin king conspiracy case and a multi-state ricoh case and they wanted my case off their plate. He specifically told me he knew this because he had a client on or involved in both cases staying at Wyatt. He did nothing to negotiate a plea. It fell into his lap.

13. Nothing was clear in my dealings with Jason Knight and everything was rushed, unanswered and an inconvienence to him.

14. Jason Knights letter of May 27, 2021 stating I could now go review the evidence as well as the internal emails from Wyatt clearly demonstrate, I did not see the evidence and in fact didn't even get offered to see the evidence until over 20 days after a binding plea was signed. Does Mr. Knight not remember his letter of May 27, 2021? He continues to deceive in his statements.

15. I also have numerous internal emails from Wyatt dating back months were every attempt was made to register Jason Knight phone number. In fact all Knight had to do is call and it would have been registered. He never even took the time to do this. Moreover, Wyatt call him and he never responded to them.

16. All these documents were provided by me and my mother and previous counsel. The most important document, the court ordered Psychological Eval from 2015.

16.-17 cont. - He ignored and was never offered as absolute proof of the assault and trauma. It was later revealed the Psych Report was in the AUSA's possession since October of 2020 and if Knight simple processed a motion to receive we would have had this vital document at Sentencing. He did not even make that effort.

18. Untrue and if true why is the document not declared a duplicate and why would he deceptively date it incorrectly. If Mr. Knight is on the up and up he would be transparent, he is not.

19. WoW! This is a complete lie.! In Mr. Knights entire representation of me we didn't spend 5 hours together. In fact, even at sentencing he was on his cell phone talking to a party about his sick dog, NOT concentrating and paying attention to his clients sentencing needs.

20. Jason Knight was ordered by the court to do his job. He tried to charge my mother another 5K to do what he was required under law to produce. The court was very clear. He shook down an 81 year old woman. disgraceful.

21. Jason Knight was paid 8K above his fee as presented. He has never submitted a bill, an itemized statement or proof of what he calls "assidrous" work performed. He would call, and in simple term threaten an 81 year old woman. Expressing he would resign from the case and leave her son without representation. He played her emotions and age to defraud her.

22. Presently, Jason Knight is being accused of ineffective counsel in the 1st Circuit Appeals Court. The intention is to file a Post Conviction Claim with all the proof demonstrating his ill intentions and thievery in getting money from my elderly mother. That claim will request criminal charges to be considered. Even Mr. Knights letter is inconsistent and inaccurate regarding dates as demonstrated in the forged fee agreement. My mother and I are quiet and live small. Mr. Knight actions and there negative impact on my mother and I caused us to speak. I hope we are heard. Thank you for your efforts and consideration.

Regards

[signature]

Addendum I

5-27-2022

Ms Kerry Reilley Travers
Chief Disciplinary Counsel
Supreme Court
222 Quaker Lane - Room 1053
Warwick, R.I. 02886

File Number
D1-2022'0941C

Dear Ms Travers;

I have two notes on Jason Knight letterhead as well as his statement sent after sentencing and concerning what he had to be ordered by the court to do and complete this court. Before that order he was not going to give us copies of records unless I paid him one hundred dollars and he would not complete his part of this case.

#3 of his reply is absolutely untruthful. I remember distinctly because I had to take a couple of days to decide whether I should give him the rest of my retirement money. He stated very simply $25,000 for a plea and $35,000 for a trial, there were no other conditions. If he digitalizes couldn't he copy original contract

01-2022-0941C

This would determine how I would live for the rest of my life. I called him back and accepted his terms and thought a contract would be forthcoming to David or to me. This did not happen.
I sent him the first 10,000 and after awhile he told me it was time for more money and proceeded in this manner until he started talking about a plea agreement and that the sentence might be shorter, knowing I would talk with David about it. I had to send more money in lesser amounts and he kept asking. I heard about the change in the sentencing date before David did and then he had David sign a plea and I had already sent him too much money.
We have no contract, no receipts and no account of how he used his time and my money to defend my son.
He owes me 8,000 dollars and he knows it. We have had quite a few attorneys and all have given us records of their time and cost.
He is a bully and has no regard for his oath of office.
Sincerely
Judith S. Sanborn

Addendum # I

Requested By: 211383846/MSR Department
Page 1
01/19/2022 12:15:54

JUDITH S SANBORN
456 MAMMOTH RD. # 7
DRACUT, MA 01826

3663

DATE 5-28-2021

PAY TO THE ORDER OF Atty Jason Knight $3000 00/xx

Three Thousand 00/xx DOLLARS

JEANNE D'ARC CREDIT UNION

MEMO DAS

Judith S. Sanborn

⑆211383846⑆ 002004154720⑈ 3663

Webster Bank
Waterbury, CT
>211170101<
7089 6/8/2021
ATM:927122 DIN: 782600000036233

ENDORSE HERE

CHECK HERE FOR MOBILE OR REMOTE DEPOSIT ONLY

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

Date: 06/09/21 Sequence #: 009034136 Routing #: 211383846 Account #: 002004154720 Check #: 3663 Amount: $ 3000.00

Requested By: 211383846/MSR Department
Page 1
01/19/2022 12:15:15

JUDITH S SANBORN
456 MAMMOTH RD. # 7
DRACUT, MA 01826

3645

DATE Apr. 15, 2021

PAY TO THE ORDER OF Atty. Jason Knight $ 10,000 00/xx

Ten thousand 00/xx DOLLARS

JEANNE D'ARC CREDIT UNION

MEMO DAS

Judith S. Sanborn

⑆211383846⑆ 002004154720⑈ 3645

Webster Bank
Waterbury, CT
>211170101<
5846 4/20/2021
ATM:927122 DIN: 777700000040930

ENDORSE HERE

CHECK HERE FOR MOBILE OR REMOTE DEPOSIT ONLY

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

Date: 04/21/21 Sequence #: 009029705 Routing #: 211383846 Account #: 002004154720 Check #: 3645 Amount: $ 10000.00

Requested By: 211383846/MSR Department
Page 1
01/19/2022 12:13:21

JUDITH S SANBORN
456 MAMMOTH RD. # 7
DRACUT, MA 01826

3622

DATE 2-24-2021

PAY TO THE ORDER OF Atty Jason Knight $ 10,000 00/xx

Ten thousand 00/xx DOLLARS

JEANNE D'ARC CREDIT UNION

MEMO D. Staveley

Judith S. Sanborn

⑆211383846⑆ 002004154720⑈ 3622

Webster Bank
Waterbury, CT
>211170101<
4354 3/2/2021
ATM:927122 DIN: 772800000050388

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CHECK HERE AFTER MOBILE OR REMOTE DEPOSIT

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

Date: 03/03/21 Sequence #: 009046118 Routing #: 211383846 Account #: 002004154720 Check #: 3622 Amount: $ 10000.00

#1

Requested By: 211383846/MSR Department Page 1 01/19/2022 12:16:45

JUDITH S SANBORN
456 MAMMOTH RD. #7
DRACUT, MA 01826

3702

DATE 9-17-21

PAY TO THE ORDER OF Atty Jason Knight $ 1000 xx/xx

One thousand xx/xx DOLLARS

JEANNE D'ARC CREDIT UNION

MEMO DS-

Judith S Sanborn

⑆211383846⑆ 002004154720⑈ 3702

Webster Bank
Waterbury, CT
>211170101<
9858 9/21/2021
ATM:927122 DIN: 793400000008963

ENDORSE HERE

CHECK HERE FOR MOBILE OR REMOTE DEPOSIT ONLY

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

Requested By: 211383846/MSR Department Page 1 01/19/2022 12:17:27

JUDITH S SANBORN
456 MAMMOTH RD. #7
DRACUT, MA 01826

3704

DATE Sept 29 2012

PAY TO THE ORDER OF Atty. Jason Knight $ 2000 xx/xx

Two thousand xx/xx DOLLARS

JEANNE D'ARC CREDIT UNION

MEMO DAS

Judith S Sanborn

⑆211383846⑆ 002004154720⑈ 3704

Webster Bank
Waterbury, CT
>211170101<
161 10/4/2021
ATM:927122 DIN: 794400000016518

ENDORSE HERE

CHECK HERE FOR MOBILE OR REMOTE DEPOSIT ONLY

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

Date: 10/05/21 Sequence #: 009035362 Routing #: 211383846 Account #: 002004154720 Check #: 3704 Amount: $ 2000.00

Requested By: 211383846/MSR Department Page 1 01/22/2022 10:22:34

JUDITH S SANBORN
456 MAMMOTH RD. #7
DRACUT, MA 01826

3666

DATE 6-9-2021

PAY TO THE ORDER OF Atty Jason Knight $ 7000 00/00

Seven thousand xx/xx DOLLARS

JEANNE D'ARC CREDIT UNION

MEMO DAS Taveley

Judith S. Sanborn

⑆211383846⑆ 002004154720⑈ 3666

061521 - 184000000459802 - 0237 >211170101< Webster

Date: 06/16/21 Sequence #: 009030958 Routing #: 211383846 Account #: 002004154720 Check #: 3666 Amount: $ 7000.00

Addendum 13

STATE OF RHODE ISLAND

SUPREME COURT
Disciplinary Board
Noel Judicial Complex
222 Quaker Lane – Room 1083
Warwick, RI 02886
(401) 823-5710
Fax (401) 822-6071

Complainant DAVID STAVELEY v. **Respondent** JASON KNIGHT	**Civil Action File Number** DI-2022-094IC

Dear DAVID STAVELEY:

I enclose herewith a copy of the further written response directed to me by attorney JASON KNIGHT and a copy of a letter received from your mother, Judith S. Sanborn, in regard to the allegations in the complaint you filed with this office.

Please submit your comments on the attorney's further response in writing within fifteen (15) days of the date of this letter. It is preferred that all communications be conducted by mail rather than by telephone because the matter can be handled much more efficiently by correspondence.

This letter was generated on 6/16/2022.	Kerry R Travers Kerry Reilley Travers Chief Disciplinary Counsel
This letter was sent to: DAVID STAVELEY 590 MAMMOTH ROAD - #2 DRACUT, MA 01826	

Enclosure

Exhibit 4
Addendum F

The Law Office of Jason Knight

One Turks Head Place, Suite 1440
Providence, RI 02903
O: (401) 865-6075 F: (401) 216-8234
jason.knight@jasonknightlaw.com

June 6, 2022

Supreme Court of Rhode Island
Kerry Travers, Chief Disciplinary Counsel
Disciplinary Board
Noel Judicial Complex
222 Quaker Lane Road - Room 1083
Warwick, RI 02886
via email to disc@courts.ri.gov

RECEIVED
JUN 06 2022
State of Rhode Island
Supreme Court Disciplinary Board

Subj: Staveley, *et al* v. Jason Knight - DI-2022-094IC

Ms Travers,

I am in receipt the Board's correspondence and associated complaint dated June 1, 2022. In accordance with the Board's instructions, please see my response below.

In the Board's letter, the Board has included Mr. Staveley's and his mother's response to my statement regarding Staveley's initial complaint. These responses essentially rehash their complaints and no further response is required. To the extent their statements make new allegations against me, please see my specific responses below:

Pompous

1. Mr. Staveley now alleges that I threatened to stop work on his case if I was not paid. I did not do that.
2. Mr. Staveley complains that he was not given an itemized billing statement. I charge a flat fee for criminal cases and generally do not provide an itemized bill unless a client asks for one. In this case, Mr. Staveley never requested an itemization.
3. Mr. Staveley states that the handwritten date on the copy of the fee agreement I have provided to the board is not his handwriting and was written after the fact. As I have explained in my previous correspondence, I misplaced the original fee agreement and had Mr. Staveley execute another copy of the fee agreement, with the same terms as the original, at some point after he entered his guilty plea. On the duplicate, I wrote in the date of "3/17/21" after referring to my calendar to determine when David originally signed the fee agreement. There is a discrepancy between my calendar and notes as to whether Staveley signed on 3/17/21 or 3/21/21. In any, event, his signed the fee agreement during an in person visit in March of 2021 and my running notes reflect that date as March 21, 2021.

? No work verification

Admits to date forgery

4. Mr. Staveley complains that I took a call on my mobile phone when we were in court for his sentencing. I did take a call and had a brief discussion prior to the judge taking the bench. Verifies

Please contact me if you need any further information.

Respectfully,

Jason Knight

State of Rhode Island Supreme Court
Disciplinary Board
John E.Fogarty Judicial Annex
Noel Judicial Complex
222 Quaker Lane - Room 1083
Warwick, RI 02886

June 13, 2022

RECEIVED
JUN 15 2022
State of Rhode Island
Supreme Court Disciplinary Board

Attn: Kerry Reilley Travers

Re:File-2022-094IC, David Staveley, JudithS. Sanborn

Dear Ms Reilley:

This is just an update on David's case #21-1842 filed with the Court of Appeals in Massachusetts against The sentencing and ineffective counseling of Atty. Jason Knight.

They are allowing a trial hearing and oral arguments in July 27th of 2022 in Boston and the prosecutor has admitted there were flaws and ineffective counsel in this case.

I assume you can find the results of their response to our request for an appeal and get the exact words, if not I'm sure Atty. Kara Hoopis-Monash would be very helpful as you have been to me.

Sincerely,

Judith S. Sanborn

Judith S. Sanborn

page G

\# 1. He moved the sentencing date 9 weeks forward all the time asking for more money. last check dated. deposited 3-2-2021 - did not visit David. until?

\# 2. First payment by check 2-24-2021, No contract sent. Date J.K. says contract signed. Could not know his terms without his written word. Did not verbally explain his terms except $25,000 for PLEA or $35,000 for TRIAL. All other attorneys forward contracts and records of all actions.

\#3. Jason Knight had me, David Staveley sign a new contract at the time of Plea when he already had $8,000 more than the stated cost of a PLEA.* and stated $2,000 was owed him. Even if he lost the original contract he states he digitalized his records and could have made copies. Never received a copy of contract or I could have given him a copy of mine.

\# 4. The call during sentencing.

Judith S. Sanborn

* even though there would be no trial.

* 10 seconds to sign a contract - not long enough to read it.

Printer Alignment Page:

You must scan this page for best print quality.

STEP 1: Lift the lid. Place this alignment page face down on the right front corner of glass. Close the lid.

STEP 2: Press Scan

The Law Office of
Jason Knight

One Turks Head Place, Suite 1440
Providence, RI 02903
O: (401) 865-6075 F: (401) 216-8234
jason.knight@jasonknightlaw.com

July 14, 2022

Supreme Court of Rhode Island
Kerry Travers, Chief Disciplinary Counsel
Disciplinary Board
Noel Judicial Complex
222 Quaker Lane Road - Room 1083
Warwick, RI 02886
via email to disc@courts.ri.gov

RECEIVED

JUL 14 2022

State of Rhode Island
Supreme Court Disciplinary Board

Subj: Staveley, *et al* v. Jason Knight - DI-2022-094

Ms Travers,

I am in receipt of the Board's correspondence dated July 6, 2022 and I have responded below.

In addition, with respect to the fee agreement issue that Mr. Staveley has raised, the Board is aware from previous correspondence that Mr. Staveley's original signed fee agreement was misplaced and I asked him to sign another copy, with the same terms, a few months after the representation began. Mr. Staveley disputes this and has alleged that I never presented him with a fee agreement at the beginning of the case.

I have obtained a screenshot (attached) from my computer showing the meta data from the original word processing document used to create the fee agreement. The document was created on March 17, 2021.

With respect to Ms. Sanborn's and Mr. Staveley's additional correspondence, please see my responses below:

With respect to the letter from Judith Sanborn indicating that the government has admitted there was ineffective counsel in his case. I am not aware of any such statements. Furthermore, a cursory review of the docket in the appeal and the memoranda submitted by the government thus far does not support her assertion.

With respect to the letter from Mr. Staveley dated June 24, 2022. Please see the numbered paragraphs below (corresponding to Mr. Staveley's paragraphs) in response:

1. I did not threaten to withdraw from Mr. Staveley's case and I did not condition my continued performance on a full payment of the fee. I recall occasionally asking as to when I should expect

further payments. It is possible, although I have no specific memory of such a conversation, that I informed Mr. Staveley he had the right to terminate me if he wished but that it would subject to court approval.

2. I have addressed these allegations in my previous correspondence with the Board. In my letter of May 16, 2022 I stated:

> "I was first contacted about this case by David Staveley's mother, Judith Sanborn in February of 2021. I recall speaking with her on the telephone. I recall discussing the case and quoting a fee. I recall discussing a fee at $25,000 for the case but later, and in the same conversation, put forth a final quote of $35,000 for the entire case - with or without a trial. Thereafter, on or about March 1, 2021, I received word that the family wished to hire me. I was paid $10,000 upfront and I filed an entry in the case.
>
> At that point, there was a lot of work to do because the client had a pending motion for compassionate release based on his medical condition. I moved quickly to obtain medical records from his prior incarceration and his time at Wyatt to evaluate the motion and its potential for success.
>
> On or about March 10, 2021 I visited the client at the Donald Wyatt Detention Facility in Central Falls and updated him on my progress evaluating his motion and obtaining background information about the case.
>
> On or about March 21, 2022 I visited the client at Wyatt and discussed the case at length. Mr. Staveley also signed the fee agreement. A copy of the fee agreement is attached to this letter."

In March, when the original fee agreement was signed, I believe I asked Mr. Staveley if he wanted a copy because that is my practice. I do not automatically supply clients who are incarcerated with copies of their fee agreements because they often do not any materials from their case with them inside the facility; particularly if the charge is a sensitive one. Had Mr. Staveley asked me for a copy or asked that I send a copy to his mother, I would have done so.

3. Please see my response to question #2. Additionally, Mr. Staveley was given every opportunity to review the fee agreement.

4. Please see my response to question #1 and #2.

5. I have addressed these allegations in my previous correspondence with the Board. In my letter of May 16, 2022 I stated:

> "On May 17, 2021, the client pled guilty pursuant to the plea agreement[...]
>
> Over the next few months, I worked assiduously to compose a sentencing memo and argument for Mr. Staveley. Fundamental to his sentencing argument was his contention that he had been sexually assaulted by a correctional officer during his previous incarceration. I worked hard over that summer to obtain documents from the U.S. Bureau of Prisons detailing his sexual assault and related PTSD. I also obtained pre-sentencing reports from other jurisdictions related to his prior incarcerations which required obtaining special permission from the courts in those jurisdictions.
>
> On one occasion I did ask Mr. Staveley to sign another copy of the plea agreement because I had misplaced the original he had signed back in March. There were no changes made to the fee agreement between the original the duplicate.
>
> I visited the client on five occasions between his plea and sentencing, including one time where we spoke for five hours, to review and refine his sentencing arguments."

With respect to the motion to continue the sentencing, it is true that I filed a motion to continue the sentencing without notifying Mr. Staveley. I needed the additional time to continue my efforts to obtain documents related to Mr. Staveley's medical condition. Although such a motion is common in federal practice and the client's permission is not needed to make the motion, I should have consulted with Mr. Stanley beforehand. He was upset to the point of tears when he learned that the sentencing date was going to be moved.

I was surprised and taken aback by his response. I explained my reasoning and Staveley calmed down. He seemed to understand the need for the motion but he was extremely disappointed with the extension.

6. Please see my response to question #5 and note the attached screenshot with the creation date of the fee agreement.

7. With respect to the appeal in this matter, the fee agreement reflects the fact that the fee does not cover any appellate work. In cases where an appeal is warranted, it is my practice to file the notice of appeal for the client but it is up to the client to perfect and pursue the appeal.

In this case, I did not file the notice of appeal, Mr. Staveley did. I indicated to Mr. Staveley, that I would not perfect the appeal because I was not hired for appellate work. I contacted the First Circuit and told them the same thing. They indicated that, by rule, I was obligated to continue to represent Mr. Staveley until substitute counsel could be appointed or private counsel entered. I was not aware of this rule because I do not have an appellate practice. Nevertheless, in accordance with the court's instructions, I represented Mr. Staveley in the First Circuit until the court appointed his current attorney. At no time was Mr. Staveley prejudiced in his appeal.

8. Mr. Staveley consulted and participated in the formation of his sentencing argument and presentation of the argument in court.

9. This statement does not require a response.

Please contact me if you need any further information.

Respectfully,

Jason Knight

20210317 staveley fa Info

20210317 staveley fa 274 KB
Modified: March 17, 2021 at 12:03 PM

Add Tags...

General:

Kind: Pages Document
Size: 274,206 bytes (274 KB on disk)
Where: iCloud Drive ▸ Pages
Created: March 17, 2021 at 11:59 AM
Modified: March 17, 2021 at 12:03 PM

☐ Stationery pad
☐ Locked

More Info:

Last opened: August 3, 2021 at 12:47 PM

Name & Extension:

20210317 staveley fa.pages

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Comments:

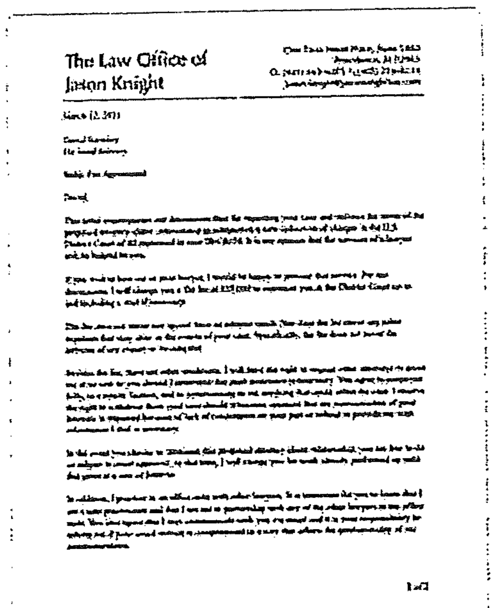
Open with:

Pages (default)

Use this application to open all documents like this one.

Change All...

Preview:



Sharing & Permissions:

Case No. DJ 2022-0?4IC Addendum J Page 1

June 24, 2022

As requested please see my further responses to attorney Jason Knight's ongoing correspondence with the State of R.I. Disciplary Board.

1. Jason Knight not only threatened to withdraw if not paid he offered on more than one occasion to step down based on questions asked that questioned his intentions. Jason Knight would call my 81 year old mother and advise her if payment was not received he would withdraw. These communications were with my mother Judith Sanborn, Jason Knight communicated primarily with her not me the client.

2. In my experience it is customary for the client to receive a copy of a fully executed agreement. If Jason Knight was so diligent with his notes, as he states, and digitized everything. It seems odd that a signed agreement, if it truly existed, would be misplaced. Furthermore any legitimate law firm would have sent an executed copy of a signed agreement to the client as to make sure all terms were clear and understood. None of this occurred. There was no agreement as stated by Mr. Knight Until he appeared in August 2021 with a fee agreement to be signed under durers.

3. Based on the fact there was no fee agreement or if indeed as Mr. Knight states he "misplaced it" he did not send a copy of the agreement to either me or my mother, therefore any terms within would be unknown to either my mother or I. Fact is, no agreement was executed until early August 2021 and even that document was never provided to either my mother or myself again giving us no ability to review Mr. Knight's terms

4. The agreement was verbal between my mother and Jason Knight 25K for a plea and 35K to go to trial. The fact he would call and state he would "withdraw" if payment was not received is further demonstrated in the fact my mother paid Jason Knight 8K over the agreed amount, because she feared the case would be furthered delayed if he stepped down, so she responded to his threats by paying him.

5. When my mother began to question Mr. Knight in July 2021 regarding more requests for payment? He appeared at Wyatt a few days before my scheduled sentencing date with a fee agreement. He also, without authorization postponed sentencing by 90 days moving from August 6 to Oct. 6, 2021. This was not authorized, but in retrospect

5. (cont.)
the delay provided Jason Knight 90 days to force an agreement to be signed if I refused initially or it would give him time to withdraw. It should be understood, I have suffered severe trauma while incarcerated and have diagnosed PTSD due to that trauma. In at least two (2) occasions Jason Knight witnessed the anxiety attacks and emotional stress that is a result of the trauma. He was fully aware of my duress and the additional stress a 90 day delay would cause. Yet, he did this without authorization and forced an agreement to be signed after communicating what he had done without my consent. He also at this time offered to "withdraw" to me directly.

6. The agreement executed in August of 2021 was not dated as requested by Jason Knight. He admits to dating the agreement. If indeed Mr Knight is truthful why did he simply not provide a copy of the original agreement note it was lost and a second needed to be executed, but demonstrate the original was signed in March 2021 and the duplicate is being signed and authorized by the client in August 2021. He did not do this, was not transparent, forged a date on a legal document, never provided the client a copy and now is deceiving the Disciplary Board.

7. Furthermore, in October of 2021, the U.S. First District Court of Appeals issued a court order upon Atty Jason Knight to "do his legally required job" (WITH EMPHASIS) and file the necessary paperwork for my appeal to go forward. Until this court order was issued Jason Knight refused to file the necessary paperword "unless he was paid". He again demonstrates intent and his lack of desire to truly represent his client. Up until the last moment he demanded money without any verifiable work performed.

8. Mr. Knight while we sat waiting for my sentencing decided rather than discussiong his sentencing presentation, which I was never counseled on or given the ability to comment. Got on his cell phone, ignored his client and talked to a third party about his sick dog. Again demonstrating his lack of desire or interest in his client.

9. The outcome although unknown, I thank the Rhode Island Disciplinary Board for their deligence.

Regards,

D. Stanley

David Staveley

Exhibit D

United States Court of Appeals
For the First Circuit

No. 21-1842

UNITED STATES,

Appellee,

v.

DAVID STAVELEY, a/k/a Kurt David Sanborn, a/k/a David Sanborn, a/k/a Kurt Sanborn, a/k/a David Adler Staveley,

Defendant - Appellant.

ORDER OF COURT

Entered: November 8, 2021
Pursuant to 1st Cir. R. 27.0(d)

Defendant-appellant David Staveley has filed a pro se motion seeking appointment of counsel on appeal. The motion is denied without prejudice to reconsideration once appellant has obtained in forma pauperis ("IFP") status.

Appellant must, **with the assistance of Attorney Jason P. Knight**, (a) file a financial affidavit and move to proceed in forma pauperis in the district court, and (b) provide this court with proof of filing. If the district court grants appellant IFP status, this court may appoint counsel under the guidelines of the Criminal Justice Act, 18 U.S.C. § 3006A. If the district court denies the motion, appellant must file a motion to proceed IFP and financial affidavit in this court. See Fed. R. App. P. 24.

(1) Attorney Jason P. Knight is directed to **1st Cir. R. 46.6(a)**, providing that "**[a]n attorney who has represented a defendant in a criminal case in the district court will be responsible for representing the defendant on appeal . . . until the attorney is relieved of such duty by the court of appeals.**" (emphasis added). Therefore, counsel is responsible for meeting all filing deadlines in this appeal until he is allowed to withdraw. The time for filing an appearance form, a docketing statement, and a transcript order form are extended to and including **December 8, 2021**.

By the Court:

#4

Maria R. Hamilton, Clerk

Exhibit D

cc:
Lee H. Vilker
Sandra Rae Hebert
Lauren S. Zurier
Jason P. Knight
David Staveley

United States Court of Appeals
For the First Circuit

No. 21-1842

UNITED STATES OF AMERICA,

Appellee,

v.

DAVID STAVELEY, a/k/a Kurt D. Sanborn, a/k/a David Sanborn, a/k/a Kurt Sanborn, a/k/a David Adler Staveley,

Defendant, Appellant.

JUDGMENT

Entered: August 2, 2022

This cause came on to be heard on appeal from the United States District Court for the District of Rhode Island and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The appeal is dismissed without prejudice to the right of the defendant to prosecute his ineffective assistance of counsel claims in a collateral proceeding under 28 U.S.C. § 2255.

By the Court:

Maria R. Hamilton, Clerk

cc: Hon. Mary S. McElroy, Hanorah Tyer-Witek, Clerk, United States District Court for the District of Rhode Island, Lee H. Vilker, Sandra Rae Hebert, Lauren S. Zurier, Kara Hoopis Manosh

The attorney who represented him below was — he says — asleep at the wheel. But that allegation is not properly before us based on our well-established Mala rule and, therefore, does not denature the operation of the defendant's waiver.

To reach this conclusion, our starting point is whether the waiver appears presumptively enforceable. Answering that query will dictate how we evaluate the defendant's asseverational array.

B

Under Teeter, we determine whether a presentence waiver of appellate rights was entered into knowingly and voluntarily by looking to the "text of the plea agreement and the content of the change-of-plea colloquy" — the "critically important" sources for a "determination of knowledge and volition." Teeter, 257 F.3d at 24; see Nguyen, 618 F.3d at 74. The waiver's scope must be clear and definite. See Teeter, 257 F.3d at 24; Nguyen, 618 F.3d at 74. The district court also must "question the defendant specifically about [his] understanding of the waiver provision and adequately inform [him] of its ramifications." Teeter, 257 F.3d at 24; see Nguyen, 618 F.3d at 74. "If this appraisal shows that the waiver was made knowingly and voluntarily," it is "presumptively enforceable." Nguyen, 618 F.3d at 74.

Here, the plea agreement and the transcript of the change-of-plea colloquy make manifest that the defendant's waiver

KARA HOOPIS MANOSH,

ATTORNEY AND COUNSELOR AT LAW

March 27, 2022

David Staveley, #04230-049
FMC Devens, Camp
PO Box 880
Ayer, MA 01432

J. Sanborn
290 Mammoth Road
Dracut, MA 01826

Dear Mr. Staveley,

Enclosed please find the Court's Opinion in your case. As you will see, the appeal has been dismissed without prejudice. They declined to reach the merits of the case and ruled that the arguments are more appropriately directed to the District Court, which can conduct hearings on the issues that you raise.

Because I was appointed by the First Circuit Court of Appeals, this concludes my representation of you. If you choose to proceed with the Petition back in District Court, you will either need to hire an attorney to prepare and file it OR begin the process with a *pro se* petition and request that the District Court appoint counsel.

I wish you the best of luck – both with the case and with your new location at the camp. It has been a pleasure working with you and getting to know both you and your mother during this process. Thank you for your every kindness along the way!

Sincerely,

Kara Hoopis Manosh

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Providence, Rhode Island 02903

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