

United States District Court
District of Rhode Island

United States of America
v.
David Staveloy

Case No. 20-CR-00074-MSM

Motion
Improper Communication by
Chief Judge District of R.I.

The following motion is presented to the honorable court while the Defendant is incarcerated under Covid-19 protocols and without counsel.

The Defendant apologizes for this motions presentation, but wants to get on record in a timely manner.

The following facts are brought to the courts attention:

1. On or about May of 2021 the approximate time the Defendant was presented a plea agreement United States District Court, District of Rhode Island, Chief Judge, the honorable John J. McConnell Jr. presented himself at B Block at the Wyatt Federal Detention Center to speak to the 50+ inmates on that block.
2. At this time Covid-19 immunization numbers were very low in Rhode Island and very few inmates at Wyatt were immunized

2. (cont)

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and in fact were refusing to get immunized and putting other inmates, staff and general public at risk.

3. Along with Chief Judge John J. McConnell Jr. in attendance was Wyatt Detention Facility Warden, Daniel W. Martin, with command staff, Medical Professionals from R.I. Dept of Health and a Covid-19 expert representing the Federal Government, who had a british accent.

4. Their collective presentation was directed to inspire inmates to get immunized for their own well-being and those around them. Obviously, being that R.I. state numbers for those getting immunized was down and specifically Wyatt had very few immunized inmates. In fact, most but a few block B included were completely overrun with Covid-19 cases and quarantined. The presenters, Chief Judge included wanted to increase State and Wyatt immunization recipient numbers.

5. After all the medical professionals spoke and gave health reasons to get immunized, Chief Judge John J. McConnell Jr. gave inmates an even greater incentive to get the vaccination. His incentive even got those who for religious reasons did not accept the vaccine, to be inspired beyond

5. (cont)

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their core beliefs to take the Covid-19 shot. The Chief Judge offered an amazing opportunity to the desperate souls at Wyatt Detention Facility.

6. Chief Judge John J. McConnell Jr. stated "If you take social responsibility and get the Covid-19 vaccine, my court will look very favorably upon you at sentencing. And Warden Morton will provide you and your attorney a letter that you can present to your judge showing you take social responsibility." He added he can't guarantee other courts will have the same attitude to accepting responsibility but his court would look favorably upon getting immunized.

7. Chief Judge John J. McConnell Jr. gave the defendant hope and as he had already gotten the immunization, the Defendant went directly to the Chief Judge to confirm his commitment to have his court "look favorably upon those who take social responsibility."

8. Chief Judge, John J. McConnell Jr confirmed with the defendant his intent and encouraged the defendant to get the letter offered by the Wyatt Warden. (See Attachment A)

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9. Being that the words from Chief Judge McConnell were "his court" and being he is the Chief Judge of the United States District Court of Rhode Island you would be led to believe "his court" is the District Court of R.I. or at least that is what all were led to believe. No disclaimer was spoken regarding other judges in "his court" whatsoever.
10. The Defendant adhered to the request of Chief Judge John J. McConnell Jr. even suffering through 2 weeks of Covid-19 like symptoms and weight loss during already demanding and "cruel and unusual punishment" in his single cell solitary lockdown lasting more than 15 months.
11. At sentencing none of what Chief Judge John J. McConnell Jr. stated, ever happened, no consideration was given to social responsibility, to the months of solitary Covid-19 lockdown or the ongoing mental impacts.
12. Chief Judge John J. McConnell Jr. came to Wyatt with one goal to increase state and Wyatt immunization numbers. His words were empty and deceiving and used to manipulate inmates. This is a very hostile action by the honorable Chief Judge.

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13. The Defendant being confused and not believing a Chief Judge would act in this manner, requested his mother to attempt to reach out to the Chief Judge for an explanation? (See Attachment B with certified receipt) What was returned was the response of a politician washing their hands upon the weak. Not a Chief Judge that is beyond reproach. (See Attachment C)

The Defendant asks for immediate relief and appropriate Judicial action be taken

Respectfully Submitted

David Stanley, Pro Se
8/21/22

Note: This filing has occurred by Defendant while incarcerated and in Covid-19 protocols. Please excuse its presentation, but this was the only means to get on record in a timely manner.

Attachment A

CENTRAL FALLS
DETENTION FACILITY CORPORATION

July 22, 2021

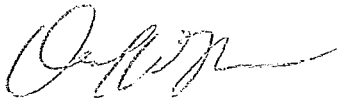
Law Office of Jason Knight
1 Turks Head Building
1 Turks Head Place, Suite 1440
Providence, RI 02903

RE: Detainee David Staveley (04230-049)

Dear Attorney Knight,

This letter serves to inform you and the court that your client Mr. David Staveley has participated and completed the vaccination Program while at the Wyatt Detention facility. This decision serves a greater purpose in indicating your clients desire to assist in keeping staff, detainees and eventually his community safe from COVID 19 and demonstrates a level of great responsibility and accountability. We appreciate that your client has participated in this process.

Best Regards,



Daniel W. Martin
Warden

Attachment B

September 21, 2021

Chief United States District Judge of the
U.S. for the District of R.I.
John J. McConnell Jr.
1 Exchange Terrace
Providence, R.I. 02903

Re: David Staveley

Your Honor,

My son is in solitary confinement at the D.W.Wyatt Detention Facility and has been there for 15 months with no fresh air, no exercise, no showers and often no dinner. He was just sentenced to many more months by Judge McElroy with ineffective counsel.

You spoke to him personally asking what he was doing there because he is high risk over 50, non-violent and in your court in R.I favorable to getting out so he doesn't bring the Delta home to me, his 81 year old mother. Warden Daniel Martin was with you and confirmed David had the Covid vaccination and completed the program thus demonstrating responsibility. You stated this would be taken into consideration in your court, but unfortunately, the Covid disaster at Wyatt wasn't even mentioned. Neither was his PTSD nor the cause being raped by a guard at the BOP in Allenwood, PA He ran because he was terrified at being imprisoned again and not because he was guilty and he pled guilty without ever seeing the evidence before signing the plea.

Recommended for PTSD is counseling, not Zoloft 100mg, as the warning is suicide and at each attempt Probation Dept. put him back in solitary for a total of almost 5 years.

If you were truthful in what you said to my son, please help him. He is my caregiver and I have found help at the Cole Resource Center at McLean Hospital in Belmont, MA.

Sincerely,



Judith Sanborn
judithsanborn2014@gmail.com

7020 3160 0001 5027 7609

U.S. Postal Service TM	
CERTIFIED MAIL [®] RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com .	
OFFICIAL USE	
Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.58
Total Postage and Fees	\$4.33
Sent To: Chief Justice John J. McConnell Jr. 1 Exchange Terrace Providence, R.I. 02903	

Postmark Here: 0853 32 10/21/2021

Atkinson C

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND
FEDERAL BUILDING AND U.S. COURTHOUSE
PROVIDENCE, RHODE ISLAND 02903

John J. McConnell, Jr.

CHIEF JUDGE

401-752-7020

JUDGE_MCCONNELL@RID.USCOURTS.GOV

November 2, 2021

Judith S. Sanborn
456 Mammoth Road, Apt. 7
Dracut, MA 01826-6157

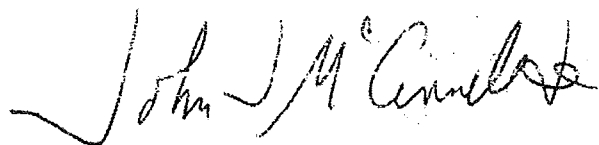
Re: USA v. David Staveley

Dear Ms. Sanborn,

I just received your letter dated September 21, 2021. Thank you.

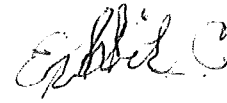
Because the case is not assigned to me and because the case is on appeal to the First Circuit, I have no role with this matter and cannot comment on it.

Very truly yours,



John J. McConnell, Jr.

Chief Judge, United States District Court



Statement of David Butzinger for May 22, 2020

I met David Staveley for the first time in the summer of 2019. Steven Scott, a principal and owner of New Flat Penny LLC and Apponaug Restaurant Group LLC, had contacted me regarding some land owned by my family adjacent to the Remington House Restaurant, a property they were planning on buying in Warwick, RI. They needed some of the land for parking. We met for lunch at Blu on the Water, a restaurant in East Greenwich. I met David along with Steven and Joan Connor, who also told me she was an owner, I confirmed that in later weeks. Joan kept excusing herself and spent some time at the bar talking, she later told us she was dealing with banking and personnel issues at her restaurant. Steven Scott was both the real estate agent for the buyer as well as a partner in the business and planned general manager for the restaurant. As we spoke I learned they had an operating restaurant in Berlin, MA called the Flat Penny. Steven and Joan were owner/managers of this restaurant. The conversation went into some of the technical issues Steven and Joan were having at the Flat Penny. As my background is in IT, I offered my services to fix the problems. A few days later I met Steven at the Flat Penny to look over the problem. He showed me some network equipment he had installed himself. It

(2)

D. Butzinger
Exhibit C

was the wrong equipment for a business like this and installed improperly. We also discussed the desire to have one TV displaying an internal advertisement loop. I wrote an estimate to fix the network and set up one TV for the ad loop. The estimate was approved by Joan Conner and I went with my business partner, Derek Perez, to install and configure the equipment. We spent several days there and our work expanded into helping Joan Conner configure their POS system "Toast", create email addresses for external communication, the scheduling system "7 Shifts" and helping her to get linked to her OnLine banking systems with Clinton Savings Bank. I was on the call with her and the bank to verify she was authorized and only Joan had login for security purposes. It quickly became clear to me that neither Joan nor Steven were capable of running this restaurant. Joan was in charge of payroll and the bank accounts. She frequently had issues with running payroll and I had to help her. Steven Scott was an absentee owner and was consistently not available to handle operational issues. David at the request of Joan and his brother Gregg occasionally had to jump in and helped fix problems with staff, orders, and scheduling when it was clear that Joan and Steven were failing. Joan began a campaign to have Steven removed. She was ultimately successful and she quickly took over those responsibilities as well. Under her supervision, my role expanded again into working with Dennis Healey to create graphics and videos for advertisements and I was spending several hours several times a week at the Flat Penny. Steven and Joan asked my opinions about many topics including staffing, technology and finances. I pointed out several problems and conflicts in the staff and logistics issues in the kitchen. I helped them get the menus loaded into the POS system and helped get their menus designed and printed. Most of the time I was there I saw Steven playing on his computer, dealing with his new hobby real estate, accomplishing very little while Joan was drinking one glass of wine after another all the while the staff was getting annoyed and threatening to walk out. Steven hired several people who were unqualified. The tension between Steven and Joan grew and eventually Steven started to back off and come much less frequently. Joan became the sole manager. I learned that this restaurant was also owned by David's brother Gregg

D. B. Gregg
Exhibits

Sanborn as well. He was an absentee owner being that Steven and Joan were in charge. I met Gregg at the Flat Penny on several occasions. I understood that David was Gregg's eyes and ears as Gregg lived some distance away and that Joan was the general manager. On one of these meetings with Gregg he asked about Joan? He said that the family believed David was in an abusive relationship and they had concern about Joan's mental instabilities. I noticed that Joan would make rude comments about David including his appearance and demeanor when he made an occasional appearance. David would on occasion engage the patrons in conversation and entertained them with stories and Joan would complain loudly about it. I pointed out to her on more than one occasion that that level of engagement is what these customers wanted and that was her job to do and that David is stepping in to help the business. She never understood that and say David is not an owner. She just sat at the end of the bar complaining and drinking her wine. From what I have been told by employees and patrons, Joan drank everyday at the bar and became very abusive to staff, clients and David this has all been noted online and on restaurant review sites. The Flat Penny was being operated under an operating agreement from the previous owner and the previous liquor license was in place. This is common practice. The town took a different view and revoked the liquor license while the new owner's application was being reviewed. After many weeks the new license was issued. Upon re-opening I met with Gregg on a number of occasions to have a few beers in Berlin. The conversations revolved around how he can be linked into the back of house systems (POS, payroll, financials etc.) so he could monitor the businesses without being at the business. He expressed concern over Joan and how David was pulling away. He had a community email (greggsanborn0810) created so that he and Joan and anyone designated could use it to communicate as owners to vital parties and it could all be monitored by Gregg. The Flat Penny was reopened and Joan had removed Steven from his position. Months later Joan and David had a falling out. It was based on the entire staff threatening to leave if she stayed on as General Manager. The staff confronted her on February 7, 2020, she again had been drinking and she lashed out against staff and

D. Butzinger
Exhibits

David. Joan Conner was not only a principal in the business, but general manager and manager of record on the liquor license. It was discovered by Corporate Counsel, that at this same time that Joan Conner was having issues with staff in Berlin, MA., she had accused the Vice Principal at Marlborough High School, her teaching job that she intended on leaving, of creating an unhealthy work environment and she was out on mental health leave. In the coming days, she led a campaign of destruction against the business; including, contacting the town, calling the ABCC to harm the liquor license, sending letters to the Lottery Commission and numerous other hateful acts like shutting down bank accounts when just days earlier she wrote payroll causing all the employee checks to bounce. Gregg met with me, he was concerned that Joan did tremendous damage and he (Gregg) would have to get more involved. This was a concern because he stated "my wife doesn't know I am doing these restaurants" and clearly she was unaware that Gregg was on payroll. Gregg told me he had to open new accounts at Citizens Bank for New Flat Penny because Joan shutdown Clinton Savings Bank. I told him I had a relationship with Bank Newport and it might be more convenient to open all business accounts with one bank. Gregg agreed and I put him in touch with a bank representative. Gregg and Counsel Attorney Jim Mears asked me to step in as local agent for the liquor license while I continued my similar role on the projects in Rhode Island and I agreed. Soon afterwards Joan and Steven reported misinformation to the town of Berlin clearly in an attempt to harm the business. The town had hearings and again had a problem with the license submission and revoked the license a second time. Joan without Gregg's and Attorney Mears knowledge had filed an Office of Inspector General complaint against several members of the town council, police and specifically her builder who she had ongoing problems with. It appears that complaint whether valid or not her selfish complaint had an impact on the business.

The deal in Warwick for the Remington House kept being delayed as the seller had issues producing documents. My family offered to sell the entire three lots rather than just a segment. We made an agreement to do so and the deal continued. The property was closed on and we began

D. Butzinger
Exhibit 6

planning to commence work and because Steven Scott had left due to a conflict of interest in how he took money from the real estate deal while also being an owner and proved to be a violation of his real estate license, I took lead on Remington House. Gregg had LLCs set up for each of the properties and he had opened bank accounts for each as well. David and I had spoken several times about me becoming more involved in upper management and technical services. I agreed without having hard terms knowing it would be discussed later. At the same time, Company Counsel Jim Mears had presented offers on two other Warwick restaurants, Top of the Bay and Sam's Inn, both run by Sam Khouri. I had met Sam through these deals. Sam and I developed a healthy relationship and Sam retained my firm to do work for both his restaurant companies. My arrangement with Sam ultimately was critical to the sales of these properties moving forward. General plans were outlined on improvements to these properties after purchase. Gregg told me to keep David informed and on the email chains. Sam had difficulty providing a clean business transfer and the deal on Top of the Bay was changed to Real Estate only sale, due to what he described as lawsuits and tax related issues. It still took Sam a considerable amount of time to provide all necessary documents to close. I am aware that some of those necessary documents and alterations to get those documents were done under Sam's exclusive authorization. It was not clear until now that those alterations could have been illegal. Just before closing, Sam's attorney sent the wrong figures to the lender and that oversight caused a problem delaying the deal again. Sam and his partner Eli refused to change the agreement to fix the mistake caused by the sellers attorney and the deal was put on hold.

As this restaurant group continued to grow it was clear that staffing was necessary. With the existing 20 + staff in Berlin, MA. A team was created in Warwick, RI. Sam Khouri provided us with a General Manager that was transferring from one of his restaurants. Two chef's and two manager/bar managers were brought on as well as numerous servers, cooks, hosts/hostesses and bartenders. I also brought on a sales person and Catherine Horan-Poulin from Pitch Perfect was hired to quarterback

Exhibit
D. Butzinger

marketing. She went to work immediately and was the coordinator of website design, logo's, non-profit events and promotions. She gained our confidence quickly as she was the well known face of Bob's Discount Furniture. She wowed us with her knowledge and experience. Catherine had told us that she recently met with her representatives at Bank of America and had applied for her business/businesses for a program called PPP through SBA. This puts people back to work during the Covid-19 crisis. The discussion with Gregg Sanborn regarding re-financing the projects through SBA low interest loans had already occurred and had been approved. Corporate Counsel was aware of the intent. Catherine having already applied for her company assisted with the application process. Discussions with Bank Newport representatives "Kate"? led to an understanding that the only requirement was that the money was to be used for payroll and had to be done with a certified payroll. Since I had just negotiated a deal with a new payroll service CSC Paymaster Jason Giglietti that goes through Bank Newport I was confident and portrayed to Gregg that payroll requirements could easily be met and monitored by Bank Newport. The objective is to put people back to work. I then worked with Sam Khouri to compile the number of staff and payroll costs of the numerous employees that would be working for the new entity if funding was received. The same occurred for Remington House although staff was already determined and hired. Start date was the undecided factor and if PPP was awarded that staff would have started on an earlier date. Changes to the applications were made by Kate at Bank Newport, after the Bank Newport revue, because the calculations were discovered to be incorrect. Bank Newport made the changes to the PPP applications and it was Bank Newport that made the final submittal to the SBA. The PPP applications were submitted based on present knowledge and information received by previous owners. Changes to the financial calculations were made by Bank Newport personnel (Kate our case manager) prior to Bank Newport making the submission to the SBA on our behalf. Knowing that it was based on actual payroll costs once issued, that payroll was now being processed through a Bank Newport vendor and that Bank Newport did changes and final review of application prior to SBA submission it was felt every box was

Exhibit C
D. Brzinger

checked. Discussions with Bank Newport staff member Ronald Bouchard suggested I needed a 941 form with the app. I said I could make one up and I did for Q1 2020. They later stated I needed to submit a Schedule C. I stated I had not done my Schedule C for 2019 yet but could quickly made one up with my best guess for numbers. This entire process was transparent, Gregg Sanborn, Corporate Counsel Jim Mears, David Staveley, Sam Khouri, Catherine Hourin-Poulin, numerous representatives of Bank Newport who were processing the applications, making financial changes and sending in submittals to SBA.

I write this to give perspective to how everything from day one began and was conducted. The information in this statement is all verifiable and can be confirmed by numerous individuals, documents and principal parties.