



1 Thomas J. Donaldson
2 Nevada State Bar No. 5283
3 Messing Adam Jasmine & Shore, LLP
4 1817 N. Stewart Street, Ste. 35
5 Carson City, NV 89706
6 (775) 885-1896 telephone
7 (775) 885-8728 facsimile
8 tom@majlabor.com

9 Special Counsel for the Nevada
10 Commission on Judicial Discipline

11 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

12 **STATE OF NEVADA**

13 IN THE MATTER OF THE HONORABLE,
14 MICHELE FIORE, Justice of the Peace,
15 Pahrump Township Justice Court, Nye
16 County, State of Nevada,

17 Respondent.

Case No.: 2025-108-P

Hearing: October 19-22, 2026
Las Vegas, Nevada

18 **SPECIAL COUNSEL'S PREHEARING BRIEF**

19 COMES NOW Thomas J. Donaldson, Special Counsel for the Nevada Commission on
20 Judicial Discipline ("Commission" or "NCJD"), and hereby submits this Prehearing Brief for the
21 hearing in this matter commencing on October 19, 2026, in accordance with the Commission's
22 Prehearing Order dated May 13, 2026.

23 **A. Brief Statement of Relevant Facts**

24 In or about 2019 to 2020, prior to becoming a judicial officer, Respondent Michele Fiore
25 solicited monetary donations for the creation of a statue in honor of two (2) slain Las Vegas
26 Metropolitan Police officers, Alyn Beck and Igor Soldo. Respondent represented to prospective
27 donors that the funds would be used solely for the construction of the statue and received
28 approximately \$70,000 from donors for that purpose. The statue was completed in approximately
January of 2020, but none of the funds raised by Judge Fiore were spent on the construction of the
statue.

On or about December 21, 2022, Respondent was sworn in as a Justice of the Peace for the
Pahrump Township Justice Court, in Nye County, Nevada. Respondent failed to notify the donors

1 that the specific purpose of their donations was abrogated, failed to request instructions regarding
2 alternative use of the donations and/or failed to return the donations to the donors.

3 On October 3, 2024, almost two (2) years after becoming a judicial officer, Respondent was
4 found guilty by a jury of one (1) count of Conspiracy to Commit Wire Fraud (18 U.S.C. § 1349) and
5 six (6) counts of Wire Fraud (18 U.S.C. § 1343), all felonies, based upon Respondent's fraudulent
6 use of the donations, in *United States of America v. Michele Fiore*, 2:24-cr-00155-JAD-DJA. The
7 jury verdict was the subject of news articles, both locally in Nevada, nationwide and internationally.

8 Following the jury's verdict but before sentencing, Respondent filed motions for acquittal
9 and for a new trial arguing, *inter alia*, the evidence adduced at trial did not support the jury's verdict.
10 On April 18, 2025, U.S. District Court Judge Jennifer Dorsey denied Judge Fiore's motions. On
11 April 23, 2025, prior to the imposition of sentence, but after all post-trial motions were adjudicated,
12 Judge Fiore received a "full and unconditional pardon" from the President of the United States. On
13 April 28, 2025, Judge Dorsey vacated the federal sentencing date and closed the criminal case
14 without issuing an order of dismissal.

15 As a result of the primary election in Nevada on June 9, 2026, Respondent lost her bid for
16 re-election to Pahrump Township Justice Court, Nye County, Nevada. Respondent finished third
17 (out of four (4) candidates) with 2,555 votes (22.96%). Thus, her term ends on December 31, 2026.

18 On April 24, 2026, Special Counsel filed a Formal Statement of Charges ("FSOC") against
19 Respondent alleging three (3) counts of misconduct. On August 7, 2026, Special Counsel filed a
20 First Amended FSOC, clarifying the allegations in Count One. The instant hearing followed.

21 Based upon Respondent's Response to Verified Complaint dated April 20, 2026, Respondent
22 admits that she received donations, although the purpose and amounts are not specified.

23 **B. Statement of Allegations**

24 **COUNT ONE**

25 By failing to notify the donors that the specific purpose of their donations was abrogated, by
26 failing to request instructions regarding alternative use of the donations and/or by failing to return
27 the donations as alleged in Section A above, Respondent, after being sworn in as a judicial officer,
28 knowingly or unknowingly failed to comply with the laws related to criminal embezzlement, civil

1 conversion and/or unjust enrichment in violation of Canon 1, Rule 1.1 of the Code (requiring a judge
2 to comply with the law).

3 Criminal embezzlement is defined in NRS 205.300, which provides in relevant portion:

4 1. Any bailee of any money, goods or property, who converts it to his or her
5 own use, with the intent to steal it or to defraud the owner or owners thereof and any
6 agent, manager or clerk of any person, corporation, association or partnership, or any
7 person with whom any money, property or effects have been deposited or entrusted,
8 who uses or appropriates the money, property or effects or any part thereof in any
manner or for any other purpose than that for which they were deposited or entrusted,
is guilty of embezzlement, and shall be punished in the manner prescribed by law for
the stealing or larceny of property of the kind and name of the money, goods,
property or effects so taken, converted, stolen, used or appropriated.

* * *

9 3. Any use of the money, goods or property by any bailee thereof, other than
10 that for which it was borrowed, hired, deposited, carried, received or collected, is
prima facie evidence of conversion and of intent to steal the same and defraud the
owner or owners thereof.

11 4. The term "bailee," as used in this section, means all persons with whom
12 any money, goods or property has been deposited, all persons to whom any goods or
13 property has been loaned or hired, all persons to whom any goods or property has
14 been delivered, and all persons who are, either as agent, collector or servant,
empowered, authorized or entrusted to carry, collect or receive any money, goods or
property of another.

15 Here, in 2019-2020, Respondent, through her non-profit organizations, became a "bailee"
16 when she solicited and received donations to build a statue for the fallen Metro officer. However,
17 those donations were never used to build Officer Beck's statue (because Olympia Companies paid
18 for the statue) or returned to the donors, including after Respondent assumed judicial office on or
19 about December 21, 2022. Thus, Respondent failed to comply with NRS 205.300, by receiving
20 monetary donations and not using the money for the purpose for which it was received.

21 Alternatively, civil conversion is "a distinct act of dominion wrongfully exerted over
22 another's personal property in denial of, or inconsistent with his title or rights therein" *Evans*
23 *v. Dean Witter Reynolds, Inc.*, 116 Nev. 598, 606, 5 P.3d 1043, 1048 (2000) (quoting *Wantz v.*
24 *Redfield*, 74 Nev. 196, 198, 326 P.2d 413, 414 (1958)). Although conversion is not excused by mere
25 good faith, *id.*, the Nevada Supreme Court has long held that where there is genuine doubt as to the
26 rightful ownership of property, a party may properly "resort to the judicial process" to resolve that
27 doubt. *Wantz*, 74 Nev. at 198, 326 P.2d at 414.

28 ///

1 Here, in 2019-2020, Respondent, through her non-profit organizations, solicited and received
2 donations to build a statue for the fallen Metro officer. However, those donations were never used
3 to build Officer Beck's statue (because Olympia Companies paid for the statue) or returned to the
4 donors, including after Respondent assumed judicial office on or about December 21, 2022. Thus,
5 Respondent failed to comply with Nevada law of civil conversion by committing distinct acts of
6 dominion wrongfully exerted over the donors' money.

7 Similarly, "[u]njust enrichment exists when the plaintiff confers a benefit on the defendant,
8 the defendant appreciates such benefit, and there is acceptance and retention by the defendant of such
9 benefit under circumstances such that it would be inequitable for him to retain the benefit without
10 payment of the value thereof." *Certified Fire Prof. Inc. v. Precision Constr. Inc.*, 128 Nev. 371, 381,
11 283 P.3d 250, 257 (2012) (internal quotation marks omitted). Benefit "denotes any form of
12 advantage," including but not limited to retention of money or property. *Id.* at 382, 283 P.3d at 257
13 (internal quotation omitted).

14 Here, in 2019-2020, Respondent, through her non-profit organizations, solicited and received
15 donations to build a statue for the fallen Metro officer. However, those donations were never used
16 to build Officer Beck's statue (because Olympia Companies paid for the statue) or returned to the
17 donors, including after Respondent assumed judicial office on or about December 21, 2022. Thus,
18 Respondent failed to comply with Nevada law of unjust enrichment because the donors conferred
19 a monetary benefit to Respondent and Respondent accepted and retained the money without using
20 it for Officer Beck's statue.

21 COUNT TWO

22 By failing to notify the donors that the specific purpose of their donations was abrogated, by
23 failing to request instructions regarding alternative use of the donations and/or by failing to return
24 the donations as alleged in Section A above, Respondent, after being sworn in as a judicial officer,
25 knowingly or unknowingly violated Canon 1, Rule 1.1 of the Code (requiring a judge to comply with
26 the law including the Code) and Canon 1, Rule 1.2 of the Code (requiring a judge to act at all times
27 in a manner that promotes public confidence in the independence, integrity and impartiality of the
28 judiciary and avoiding impropriety and the appearance of impropriety). Respondent's ongoing

1 wrongful retention of the donations and unjust enrichment creates in reasonable minds a perception
2 that Respondent's honesty, impartiality, temperament or fitness to serve as a judge is adversely
3 affected.

4 Here, in 2019-2020, Respondent, through her non-profit organizations, solicited and received
5 donations to build a statue for the fallen Metro officer. However, those donations were never used
6 to build Officer Beck's statue (because Olympia Companies paid for the statue) or returned to the
7 donors, including after Respondent assumed judicial office on or about December 21, 2022. Thus,
8 Respondent failed to comply with Nevada law, failed to act at all times in a manner that promotes
9 public confidence in the independence, integrity and impartiality of the judiciary and failed to avoid
10 impropriety or the appearance of impropriety.

11 **COUNT THREE**

12 Respondent, while sitting as a judicial officer, being found guilty by a jury of her peers of
13 seven (7) felonies involving crimes of fraud and moral turpitude and by having that guilty verdict
14 upheld by the trial court judge, as alleged in Section A above, violated Canon 1, Rule 1.1 of the Code
15 (requiring a judge to comply with the law including the Code) and Canon 1, Rule 1.2 of the Code
16 (requiring a judge to avoid impropriety and the appearance of impropriety). The jury's guilty verdict
17 creates in reasonable minds a perception that Respondent's honesty, impartiality, temperament or
18 fitness to serve as a judge is adversely affected.

19 Here, on October 3, 2024, while Respondent was holding judicial office, a jury rendered a
20 unanimous verdict finding Respondent guilty of seven (7) felony counts. The jury verdict was
21 widely publicized, creating in reasonable minds a perception that Respondent's honesty, impartiality,
22 temperament or fitness to serve as a judge is adversely affected.

23 Respondent's actions constitute either knowing and deliberate violations of the Code or
24 violations that were not knowing and deliberate. Both types of violations are contrary to the form,
25 force and effect of the Revised Nevada Code of Judicial Conduct.

26 **C. Issues of Law**

27 The Nevada Supreme Court determined that the Commission has jurisdiction over the instant
28 matter pursuant to NRS 1.440 in *Fiore v. Nev. Comm. On Judicial Discipline*, Docket Nos. 89037,

1 90650 and 90810, pp. 3-4. Further, in denying Respondent's first Motion to Dismiss, the
2 Commission found, "the FSOC bases its allegations on actions taken by Respondent after she
3 became a judicial officer, not before" and held, "the FSOC adequately alleges both personal and
4 subject matter jurisdiction" in this case. Order Denying Motion to Dismiss, p. 10 at lines 1-4
5 (emphasis in original).

6 Judges may be disciplined - including by removal from office - for conduct that occurred
7 before they assumed the bench. Courts and judicial conduct commissions in New York,
8 Pennsylvania, Florida, Nebraska, Alabama, and Louisiana have all recognized this authority,
9 grounding it in constitutional provisions authorizing discipline for conduct that renders a judge unfit
10 for office or is prejudicial to the administration of justice. *Matter of Sarisohn*, 26 A.D.2d 388, 390
11 (2d Dep't 1966); *In re Hedges*, 2012 WL 4341141 (N.Y. Comm'n on Jud. Conduct 2012); *Doe v.*
12 *State Commission on Judicial Conduct*, 137 Misc. 2d 268, 520 N.Y.S.2d 513 (Sup. Ct. 1987); *In re*
13 *Greenberg*, 442 Pa. 411, 280 A.2d 370 (1971); *Matter of Cunningham*, 517 Pa. 417, 538 A.2d 473
14 (1988); *In re Pazuhanych*, 858 A.2d 231 (Pa. Ct. Jud. Disc. 2004); *In re Davey*, 645 So. 2d 398, 403
15 (Fla. 1994); *In re Watson*, 174 So. 3d 364 (Fla. 2015); *In re Henson*, 913 So. 2d 579, 588 (Fla.
16 2005); *In re Decker*, 212 So. 3d 291 (Fla. 2017); *State ex rel. Nebraska State Bar Ass'n v. Krepela*,
17 259 Neb. 395, 610 N.W.2d 1 (2000); *In re Steensland*, 2011 WL 9367407 (Ala. Ct. of Jud. 2011);
18 *In re Todd*, 2021 WL 2653531 (Ala. Ct. of Jud. 2021); *In re Whitaker*, 463 So.2d 1291 (La. 1985).
19 The dominant rationale is that the purpose of judicial discipline is not punishment, but the protection
20 of the public and the integrity of the judiciary, and that purpose is not defeated merely because the
21 offending conduct predates the judge's investiture. *Id.* The Commission already adopted the
22 majority position. Order Denying Motion to Dismiss, p. 10 at lines 23-26.

23 The President's pardon of Respondent on April 23, 2025, does not preclude the Commission
24 from considering Respondent's conduct for disciplinary purposes. In Nevada, "the effect of a pardon
25 does not erase the historical fact of the conviction[.]" *In re Sang Man Shin*, 125 Nev. 100, 110, 206
26 P.3d 91, 98 (2009). The Nevada Supreme Court has specifically "retreat[ed] from [its] prior
27 decisions . . . to the extent they imply that a pardon blots out guilt and erases the historical fact of
28 the underlying conviction." *Id.* at 110, 206 P.3d at 97-98. In doing so, the Court agreed with the

1 rationale of federal appellate courts that a pardon “does nothing more than to abolish all restrictions
2 upon the liberty of the pardoned one,” but does not eliminate or eradicate the finding of guilt. *Id.*
3 at 107, 206 P.3d at 95 (citing *Groseclose v. Plummer*, 106 F.2d 311, 313 (9th Cir. 1939).

4 As these federal courts held, a presidential pardon does not reverse the legal conclusion of
5 the courts. See *Nixon v. United States*, 506 U.S. 224, 232 (1993) (“a pardon is in no sense an
6 overturning of a judgment of conviction”); *Hirschberg v. Commodity Futures Trading Comm’n*, 414
7 F.3d 679, 682 (7th Cir. 2005) (a pardon “does not blot out guilt or expunge a judgment of conviction”
8 (internal quotations omitted)). Nor can a pardon create a factual fiction that a guilty verdict did not
9 occur. *United States v. Noonan*, 906 F.2d 952, 958-59 (3d Cir. 1990). Instead, a pardon “preclude[s]
10 future *punishment* for the conviction,” but does “not prohibit all *consequences* of a pardoned
11 conviction.” *Hirschberg*, 414 F.3d at 682 (emphasis in original).

12 Disciplinary action is not a “punishment” as opposed to a “consequence” of a pardon. In *In*
13 *re Sang Man Shin*, the Court relied upon *In re Abrams*, 689 A.2d 6 (D.C. 1997) and *Dixon v.*
14 *McMullen*, 527 F. Supp. 711 (N.D. Tex. 1981) in support of its holding that a pardon of a criminal
15 conviction does not “create[] a civil right” to escape the consequences associated with the underlying
16 verdict. 125 Nev. At 107-110, 206 P.3d at 96-98.

17 In *In re Abrams*, the D.C. Court of Appeals found that an attorney was subject to discipline
18 by the local bar association for a crime he pled guilty to, notwithstanding a subsequent presidential
19 pardon. 689 A.2d at 9-12. The court noted that while a pardon removes “all legal punishment,” “if
20 character is a necessary qualification and the commission of the crime would disqualify even though
21 there had been no criminal prosecution for the crime, the fact that the criminal has been convicted
22 and pardoned does not make him any more eligible.” *Id.* at 11 (internal quotations omitted).
23 Similarly, in *Dixon*, the Texas federal district court reasoned that a pardon “may remove some
24 disabilities but does not change the common-law principle that a conviction of an infamous offense
25 is evidence of bad character.” 527 F. Supp. at 718.

26 Other jurisdictions similarly hold that a pardon does not eliminate jurisdiction for discipline
27 by civil regulatory bodies. See *Feinstein v. State Bar of Cal.*, 248 P.2d 3, 7 (Cal. 1952) (a pardon
28 does not automatically mean that an attorney has complied with the “essentials required of an

1 attorney-at-law”); *Branch v. State*, 163 So. 48, 49 (Fla. 1935) (same); *Matter of Beck*, 342 N.E.2d
2 611, 614-15 (Ind. 1976) (pardons do not restore character or fitness to practice law); *In re Kaufmann*,
3 157 N.E. 730, 733 (N.Y. 1927) (a pardon does not “restore to the fellowship of the bar” if “there has
4 been a failure to live up to the standards of morality and honor”); *Hankamer v. Templin*, 187 S.W.2d
5 549, 550 (Tex. 1945) (pardon does not restore privilege to practice law). As these courts explain,
6 discipline is not “part of the punishment inflicted for the commission of crime,” but is instead a
7 consequence of “misconduct . . . which shows [them] to be a person unfit to engage in the practice
8 of law.” *Branch*, 163 So. at 49.

9 As both the Nevada Supreme Court and other courts have held, the fact of a guilty verdict
10 creates an appearance of impropriety that warrants discipline of public officers. *See e.g., Egan v.*
11 *Jones*, 21 Nev. 433, 32 P. 929, 930 (1893) (interpreting a former constitutional provision
12 disqualifying those who are “convicted” of bribery in elections from holding public office); *State v.*
13 *Nix*, 249 N.E.3d 134, 142-43 (Ohio 2024) (Ohio’s judicial discipline statute disqualifies a person
14 from holding public office upon the return of a guilty verdict). As these courts explain, “[a]fter
15 verdict of guilty . . . the presumption of innocence ceases[.]” *Campbell v. State*, 781 S.W.2d 14, 17
16 (Ark. 1989) (internal quotations omitted); *see also Wilson v. Goodwyn*, 522 F. Supp. 1214, 1215-16
17 (E.D.N.C. 1981) (same). Thus, even when a conviction is later reversed (or here, pardoned), there
18 is too great a risk of “loss of public confidence in those who govern which inevitably accompanies
19 the spectacle of officeholders who have been found guilty of an offense which disqualifies them for
20 public trust, yet continue to hold the office[.]” *Campbell*, 781 S.W.2d at 18; *see also Lubin v. Wilson*,
21 284 Cal. Rptr. 70, 73 (Ct. App. 1991) (“[t]he statutory scheme [precluding convicted public officials
22 from holding office after trial court judgment] advances compelling interest for honesty, integrity
23 and confidence of the public in government, which is greater than the convicted person’s interest in
24 the office.”).

25 **D. Witnesses**

26 1. Curtiss C. Kull, Commission Investigator, who will testify that he conducted the
27 underlying investigation and prepared the Investigation Reports dated May 28, 2025, and
28 June 3, 2025. Mr. Kull’s examination, including direct and cross, is expected to take 1.5 hours.

1 2. Robert Richardson, Community Ambulance CEO, who will testify that based upon
2 Respondent's representation, he donated \$2,500 to ABPF for the purpose of building Officer Beck's
3 statue and that Respondent never contacted him to inform him that the money was not used for that
4 purpose or to return the money. Mr. Richardson's examination, including direct and cross, is
5 expected to take 1.5 hours.

6 3. Thomas White, Laborer's International Union, Local 872, Business Manager,
7 Secretary/Treasurer, who will testify that based upon Respondent's representation and email, he
8 made two (2) donations of \$5,000 each to Future for Nevadans ("FFN") for the purpose of building
9 Officer Beck's statue and that Respondent never contacted him to inform him that the money was
10 not used for that purpose or to return the money. Mr. White's examination, including direct and
11 cross, is expected to take 2 hours.

12 4. Jay Brown, Esq., who will testify that based upon Respondent's representation and
13 letter dated October 1, 2019, he made three (3) donations in the amounts of \$10,000, \$9,700 and
14 \$7,000 (\$26,700 total) to ABPF for the purpose of building Officer Beck's statue and that
15 Respondent inexplicably returned \$16,700 (two (2) checks of \$8,350 each) to him. Mr. Brown's
16 examination, including direct and cross, is expected to take 2 hours.

17 5. Joseph Lombardo, Governor, who will testify that based upon Respondent's
18 representation, he donated \$5,000 to FFN for the purpose of building Officer Beck's statute and that
19 Respondent never contacted him to inform him that the money was not used for that purpose or to
20 return the money. Governor Lombardo's examination, including direct and cross, is expected to take
21 2 hours.

22 6. Chris Armstrong, Olympia Companies, Vice President, who will testify that Olympia
23 Companies constructed and installed Officer Beck's statue without any financial assistance or
24 contributions from Respondent. Mr. Armstrong's examination, including direct and cross, is
25 expected to take 2 hours.

26 7. Douglas Smith, FBI Officer, who will testify that he discovered the flyer dated
27 October 1, 2019, signed by Respondent soliciting donations to build statues for the slain Metro
28 Officers. Agent Smith's examination, including direct and cross, is expected to take two (2) hours.

1 8. Hon. Michele Fiore, Respondent, who will testify that she solicited and collected
2 donations for the slain Metro Officers' statue, but did not contribute any of those monies to the
3 construction and installation of the statue, and after becoming a judicial officer, did not notify the
4 donors that the monies were not used for the statue, did not request instructions regarding alternative
5 use of the donations, did not return the donations to the donors, was found guilty by a jury verdict
6 dated October 3, 2024, of seven (7) felony counts and lost her bid to be re-elected as Pahrump
7 Township Justice of the Peace in the Nevada Primary Election on June 9, 2026. Respondent's
8 examination, including direct and cross, is expected to take 4 hours.

9 **E. Exhibits**

10 1. Nevada Secretary of State ("NSOS") entity information for A Bright Present
11 Foundation, Inc. ("ABPF"), dated May 21, 2026, reflecting that ABPF was formed on July 25, 2019,
12 subsequently dissolved (no date indicated), with Michele Fiore as Registered Agent, President and
13 the sole Director and no activity since July 13, 2020. The NSOS report confirms that Respondent
14 was in complete control of ABPF from July 25, 2019, through July 13, 2020, which includes the time
15 period when Respondent was soliciting and receiving contributions from donors for the slain Metro
16 officers' statue.

17 2. October 1, 2019, ABPF solicitation letter/flier signed by Michele Fiore to Jay
18 [Brown] (DOJ EX45A). The ABPF letter states, "we are raising \$80,000 to be utilized for Officer
19 Beck's life-sized statue[,] " "[n]ext year, we will be raising another \$80,000 to be used towards
20 Officer Soldo's statue for when we break ground at Igor Soldo Memorial Park . . . [,]" "[c]hecks can
21 be made to our 501C3 non-profit organization, A Bright Present Foundation[,] " and "100% of all
22 contributions are used for this charitable event."

23 3. February 3, 2020, solicitation email from Michele Fiore to Thomas White at Laborers
24 International Union of North America Local No. 872 ("Local 872") (DOJ EX64). The Respondent's
25 email states, "we are raising \$80,000 to be utilized for Officer Beck's life-sized statue[,] " "[w]e will
26 be raising another \$80,000 to be used towards Officer Soldo's statue for when we break ground at
27 Igor Soldo Memorial Park . . . [,]" "[c]hecks can be made to Future For Nevadans[,] " and "100% of
28 all contributions are used for this charitable event."

1 4. Community Ambulance cancelled check (#6356) dated January 14, 2020, in the
2 amount of \$2,500 payable to ABPF signed by Robert Richardson and ABPF deposit slip dated
3 January 28, 2020 (DOJ EX56).

4 5. Jay H. Brown, Ltd., cancelled checks (#4737, #4786, #4787) dated December 3, 30
5 and 31, 2019, in the amounts of \$10,000, \$9,700 and \$7,000 payable to ABPF and ABPF deposit
6 slips dated December 3, 30 and 31, 2019 (DOJ EX46).

7 6. Laborers-Employers Cooperation and Education Trust ("LECET") cancelled check
8 (#413676) dated February 3, 2020, in the amount of \$5,000 payable to Future for Nevadans ("FFN")
9 and signed by Thomas White and Local 872 cancelled check (#3278) dated February 6, 2020, in the
10 amount of \$5,000 payable to FFN and signed by Thomas White and FFN deposit slip dated February
11 7 2020 (DOJ EX63).

12 7. Lombardo for Sheriff cancelled check (#1503) dated July 15, 2019, in the amount of
13 \$5,000 made payable to FFN and FFN deposit slip dated July 16, 2019 (DOJ EX62).

14 8. Superseding Criminal Indictment ("Indictment") dated August 20, 2024, in *United*
15 *States of America v. Michele Fiore*, 2:24-cr-00155-JAD-DJA. The Indictment is a public document
16 from the U.S. District Court of Nevada's PACER electronic records database that specifies the
17 criminal allegations and seven (7) counts of felony crimes against Respondent.

18 9. Stipulation Re: Authenticity of Certain Exhibits ("Stipulation") dated
19 September 9, 2024, in *Fiore, supra*. The Stipulation is a public document from the U.S. District
20 Court of Nevada's PACER electronic records database that reflects that the attorneys stipulated to
21 the authenticity of certain exhibits that are included herein.

22 10. U.S. Government's Final Exhibit List ("Exhibit List") dated October 3, 2024, in
23 *Fiore, supra*. The Exhibit List is a public document from the U.S. District Court of Nevada's
24 PACER electronic records database that specifies the exhibits marked and admitted at the criminal
25 trial on September 24, through October 3, 2024, which includes some of the exhibits herein.

26 11. Jury Verdict dated October 3, 2024, in *Fiore, supra*. The Jury Verdict is a public
27 document from the U.S. District Court of Nevada's PACER electronic records database that reflects

28 ///

1 that the jury unanimously found Respondent "Guilty" of all seven (7) felony counts charged in the
2 Indictment.

3 12. "Jury finds Michele Fiore guilty on federal wire fraud charges," *Pahrump Valley*
4 *Times* article dated October 4, 2024. This local news article reflects the notoriety of Respondent
5 being found guilty by the criminal jury while she was a judicial officer, *i.e.*, impropriety or the
6 appearance of impropriety.

7 13. "Michele Fiore guilty of fraud, conspiracy," *The Associated Press* article dated
8 October 4, 2024. This international news article reflects the notoriety of Respondent being found
9 guilty by the criminal jury while she was a judicial officer, *i.e.*, impropriety or the appearance of
10 impropriety.

11 14. "Nevada politician guilty of using \$70,000 meant for statue of slain officer for
12 personal costs," *U.S. News* article dated October 3, 2024. This national news article reflects the
13 notoriety of Respondent being found guilty by the criminal jury while she was a judicial officer, *i.e.*,
14 impropriety or the appearance of impropriety.

15 15. Order Denying Motions for Acquittal and New Trial ("Order") dated April 18, 2025,
16 in *Fiore, supra*. The Order is a public document from the U.S. District Court of Nevada's PACER
17 electronic records database that sets forth the bases for the motions filed by Respondent and denied
18 by U.S. District Judge Jennifer A. Dorsey.

19 16. NCJD Verified Statement of Complaint ("Verified Complaint") in Case No. 2025-108
20 dated May 2, 2025, against Michele Fiore, Justice of the Peace, signed by Paul C. Deyhle, NCJD
21 Executive Director. The Verified Complaint specifies the allegations of judicial misconduct by
22 Respondent.

23 17. Certified copy of NCJD Order ("NCJD Order") regarding suspensions dated
24 May 19, 2025, in Case No. 2025-108. After President Trump issued a pardon to Respondent on or
25 about April 23, 2025, the NCJD Order rescinded Respondent's suspension from the exercise of
26 judicial office without salary pursuant to NRS 1.4675(2)(b) imposed after the jury rendered its
27 unanimous verdict against Respondent on October 3, 2024, in *Fiore, supra*, and suspended
28 Respondent from the exercise of judicial office with salary pursuant to NRS 1.4675(4).

1 18. NCJD Investigation Report (“Report”) in Case No. 2025-108 dated May 28, 2025,
2 by Investigator Curtiss C. Kull. The Report verifies Investigator Kull’s efforts investigating the
3 allegations against Respondent in this matter.

4 19. Follow-up Investigation Report (“Follow-up Report”) in Case No. 2025-108 dated
5 June 3, 2025, by Investigator Kull. The Follow-up Report verifies Investigator Kull’s additional
6 efforts investigating the allegations against Respondent in this matter.

7 20. *Fiore v. Nevada Comm’n on Judicial Discipline*, NSC Dockets Nos. 89037, 90650
8 and 90810, Order Dismissing Appeal, Denying Petition and Affirming Interim Suspension (“NSC
9 Order”) dated April 10, 2026. The NSC Order determined that the Commission has jurisdiction
10 under NRS 1.440(2)(b) to impose Respondent’s interim suspension with salary pursuant to
11 NRS 1.4675(4) and that the Commission did not abuse its discretion in determining that an interim
12 suspension was warranted and, hence, affirmed the Commission’s decision to suspend Respondent
13 with salary.

14 21. Respondent’s Response to NCJD Verified Complaint (“Response”) in Case
15 No. 2025-108 dated April 20, 2026. The Response does not deny the allegations in the Verified
16 Complaint, but, instead, challenges the validity of the Verified Complaint and requests that it be
17 dismissed.

18 22. NCJD Determination for Formal Statement of Charges (“Determination”) in Case
19 No. 2025-108 dated April 22, 2026. The Determination preliminarily determined that pursuant to
20 NRS 1.467 there is a reasonable probability that the evidence available for introduction at a formal
21 hearing could clearly and convincingly establish grounds for disciplinary action against Respondent,
22 appointed Special Counsel to prepare a formal statement of charges against Respondent and
23 identified the Canons and Rules of the Revised Nevada Code of Judicial Conduct violated by
24 Respondent.

25 23. NSOS 2026 Primary Election Results (“Election Results”) from June 9, 2026, for Nye
26 County Justice of the Peace, Pahrump, Department B. The Election Results verify that Respondent
27 finished the race third (out of four (4) candidates) with 2,555 votes (22.96%).

28 ///

1 24. Certified Copy of Reporter's Transcript of Proceeding ("TOP") for Day 2
2 (September 25, 2024) of the jury trial in *Fiore, supra*. If necessary, the TOP will be used if any of
3 the witnesses who testified at the criminal trial and were cross-examined by Respondent's legal
4 counsel are unavailable to testify at the hearing in this matter.

5 25. Certified Copy of Reporter's TOP for Day 3 (September 26, 2024) of the jury trial
6 in *Fiore, supra*. If necessary, the TOP will be used if any of the witnesses who testified at the
7 criminal trial and were cross-examined by Respondent's legal counsel are unavailable to testify at
8 the hearing in this matter.

9 26. Certified Copy of Reporter's TOP for Day 5 (September 30, 2024) of the jury trial
10 in *Fiore, supra*. If necessary, the TOP will be used if any of the witnesses who testified at the
11 criminal trial and were cross-examined by Respondent's legal counsel are unavailable to testify at
12 the hearing in this matter.

13 **F. Stipulations**

14 During the meet and confer telephone conference on September 23, 2026, the parties' counsel
15 stipulated that Respondent's lay witnesses Jason H. Gunnell, Esq. and Maryian Ausiello may testify
16 remotely at the time of hearing in this matter. Respondent filed an Unopposed Motion Lay
17 Witnesses Jason H. Gunnell, Esq. and Maryian Ausiello to Testify Remotely dated
18 September 29, 2026, which was granted by the Commission's Order dated October 2, 2026. The
19 parties did not stipulate to the admissibility of any exhibits or the expected testimony of any offered
20 witnesses.

21 **G. Prehearing Motions**

22 Respondent filed a Motion to Dismiss dated May 15, 2026, which was denied by the
23 Commission's Order Denying Motion to Dismiss and Granting Leave to Amend Formal Statement
24 of Charges dated July 31, 2026. Respondent filed a Motion to Disqualify Commissioners
25 S. Humphrey, J. Krmpotic and J. Sanford dated August 31, 2026, which was initially denied by the
26 Commission as untimely in its Interim Order Regarding Respondent's Motion to Disqualify
27 Commissioners dated September 14, 2026. Respondent filed a Motion to Dismiss Count 1 of the
28 First Amended FSOC dated September 4, 2026, upon which the Commission has not yet ruled.

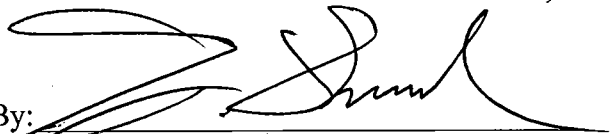
1 Special Counsel filed a Motion for Leave to Serve Request for Production of Documents dated
2 September 14, 2026, which was granted by the Commission's Order Granting dated October 2, 2026.
3 Respondent filed a Motion for Expert Keith Fisher to Testify Remotely September 16, 2026, upon
4 which the Commission has not yet ruled. Special Counsel filed a Motion in Limine to Exclude
5 Testimony of Keith Fisher and Expert Statement of Keith Fisher dated September 23, 2026, upon
6 which the Commission has not yet ruled. Special Counsel filed a Motion for Leave to Request
7 Commission to Issue Subpoenas and a Motion for Order for Shortening Time for Respondent's
8 response dated September 28, 2026. The Commission granted the Order Shortening Time dated
9 October 2, 2026, but has not yet ruled upon the Motion for Leave. Respondent filed a Motion to
10 Dismiss for Violation of Due Process (16 pages; 527 pages total) dated September 29, 2026. Special
11 Counsel filed a Motion to Strike Motion to Dismiss dated September 30, 2026. In response,
12 Respondent filed an Amended Motion to Dismiss (15 pages; 526 pages total) dated
13 September 30, 2026, upon which the Commission has not yet ruled.

14 **H. Other Appropriate Comments, Suggestions or Information**

15 Obviously, in light of the nature of the allegations, the Nevada Supreme Court proceedings
16 and the various motions and rulings by the Commission in this matter, this is not a typical judicial
17 discipline case. However, the Commission will be in a position to make a disposition of this matter
18 at the hearing on October 19-22, 2026.

19 DATED this 5th day of October, 2026.

20 MESSING ADAM JASMINE & SHORE, LLP

21
22 By: 

23 Thomas J. Donaldson, Esq.
24 Nevada State Bar No. 5283
25 1817 N. Stewart Street, Ste. 35
26 Carson City, NV 89706
27 (775) 885-1896 telephone
28 (775) 885-8728 facsimile
tom@majlabor.com
Special Counsel for the Nevada
Commission on Judicial Discipline

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this SPECIAL COUNSEL'S
PREHEARING BRIEF was sent via electronic mail addressed to:

Paola M. Armeni, Esq.
Clark Hill, PLLC
1700 S. Pavillion Center Dr., Ste. 500
Las Vegas, NV 89135
parmeni@clarkhill.com

Dated this 5th day of October, 2026.

By: Kelly Gilbert
Kelly Gilbert