

FEB 25 2022

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No. 21-1423

**In the Supreme Court of the
United States**

Petitioner

Anthony Hoti (*pro se*)
6707 Little Turkey Run
Shelby Twp, MI 48317
248 252 3570

v.

Respondent.

City of Warren
One City Square
Warren, MI 48093
586 574 4671

On Petition for Writ of Certiorari to the Michigan
Supreme Court

PETITION FOR WRIT OF CERTIORARI

April 27, 2022

ORIGINAL

QUESTIONS PRESENTED FOR REVIEW

1.

On 12/11/2017 the City of Warren attorney Caitlin Murphy and the sitting juror Susan Palombo had prior secret conversations before the jury trial started in our case “City of Warren vs Hoti” as the court transcript shows.

Is it an external influence on the jury when the prosecutor and one of the sitting jurors had prior secret contacts before the trial starts?

2

On 12/13/2017 I was convicted by the jury on the charge of the “Disobey lawful command”.

The city of Warren's ordinance of disobeying lawful command states the following.

“No person shall refuse to obey the lawful command of any police officer, member of the national guard of the state, or member of the armed forces of the United States of America.

No person shall fail to disperse when directed to do so by a police officer.”

The question presented for review is:

The second part of the ordinance states:

Does the police have the authority to disperse anybody anywhere within the city even if there is no reason for that order to disperse?.

3

When the police arrested me and my wife on 12/05/2016 there was no crime committed and police had no probable cause to arrest me.

The question presented for review is:

Is an arrest made for disobeying lawful command lawful if there is no crime being committed?

LIST OF DIRECTLY RELATED PROCEEDINGS

This case is directly related to the case of my wife City of Warren vs Marjana Hoti
case nr

CASE NO.2018-000122-Ar COA# 346152 MSC#

159629 because even though we were convicted by the same jury on different charges we both were sentenced to 10 days in jail by the trial court judge on 12/13/2017.

We both are challenging the conviction on this petition for writ of certiorari and according to the court rule 14.1(b).iii.this case is related to City of Warren vs Marjana Hoti.

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Petitioner, Anthony Hoti respectfully petitions for a writ of certiorari to review the judgment of the Michigan Supreme Court in this case. As explained further below, There are 3 reasons for this court to grant this writ of certiorari.

OPINIONS BELOW

There is no opinion from the Michigan Supreme Court or the Michigan Court of appeals in my case and the only opinion released in my case was the opinion of the 16th Circuit court.
See appendixes A-D.

JURISDICTION

The judgment of the Michigan Supreme Court on the motion for reconsideration was entered on 12/1/2021. The jurisdiction of this Court is invoked pursuant to FRCP rule 13 (1) and 28 U.S.C. § 2101(c). This petition was filed within 90 days after the final decision of the Michigan Supreme Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment 6, provides in part:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

United States Constitution, Amendment 14, provides in part::

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

United States Constitution, Amendment 4, provides: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

STATEMENTS OF THE CASE

Warren police arrested me on 12/05/2016 because I resisted the illegal order of the police to leave the property.

The Jury trial on the charge of “disobeying lawful command” started on 12/11/2017.

The jury convicted me on the charge of “disturbing of peace” and my husband on the charge of “disobeying lawful command” on 12/13/2017.

The trial court judge sentenced us each to 10 days in jail.

We appealed the jury decision and the 16th Circuit court denied our appeal.

We appealed for leave to appeal on the Michigan court of appeals and our appeal was denied.

We appealed to the Michigan Supreme Court and the state’s highest court remanded the case in the Michigan Court of Appeals for reconsideration on 03/18/2020.

Michigan Court of Appeals denied our case on 4/29/2021.

We appealed to the Michigan Supreme Court and Michigan Supreme Court denied our application for leave to appeal on 8/9/2021.

We filed a motion for reconsideration and Michigan Supreme Court denied our motion on 12/1/2021.

STATEMENT OF THE FACTS

On December 5, 2016, at about noon, I was working with my wife Marjana Hoti at the property 11097 Jewett ave Warren that we own. On or about noon I saw a white car stopping on the property 11084 Chapp ave that we also own, north on 11097 Jewett. I went over there to see who was and what was the reason for stopping there when I saw that it was the city of Warren building inspector Jim Holz. I told him what was the reason for stopping on my property and he said that I demolished the garage without a permit. I told him that I notified the city about that and I will pay for that either today or tomorrow. Mr. Holz told me that I have 10 minutes to leave the property or he would call the police. I told him that his order was unlawful as he did not have a court order and violates the 4th amendment and I was not going to leave. Mr. Holz called the police and when police arrived about 15 min after he called them, they told me within seconds to leave the property without asking why. I told the police that it was my right to stay at the property as it was my property. I asked them if they had a court order to order me to leave the property and they said they did not have one. I told them that the police order to leave the property would violate the 4th amendment and they begin to laugh. Police repeatedly told me you have to leave because I do have the permit and

there is a stop-work order on the property. Police command **“Don’t come back”** (video police time police command 1:06 min) Police command. **“Red sticker means to stop work, you cannot work, you have to leave the property or I will arrest you”** (see police video Dec-5-16 time 12:07:56). Police command **“Go get permits”** (See police video time 12:10:45).

Meantime my wife came on the back of the property 11097 Jewett Ave to see what was going on. One of the officers, officer Harding, went over there to talk to her My wife told him that this is our property and officer Harding said that he does not care about that. Officer Harding told my wife to tell me to leave the property and my wife told him that it was our right to stay at the property. See police video Exhibit_1

Judge Chmura sentenced us each to 10 days in jail even though we did not have any prior criminal history.

APPEAL TO THE 16TH CIRCUIT COURT

I appealed the jury decision to the 16th court on 01/03/2018 and the decision from Judge Druzinski to deny our appeal was on 06/28/2018.

I filed a motion for reconsideration on 07/15/2018 and judge Druzinski denied again our motion on

10/05/2018. The arguments and case laws that she stated an opinion and order in both opinions, for both of us are irrelevant, do not apply to the facts in our case (see police videos).

APPEAL TO THE MICHIGAN COURT OF APPEALS

After the decision from the Circuit Court, we appealed to the Michigan court of appeals on 10/26/18. COA denied our application on 3/27/2019.

APPEAL TO THE MICHIGAN SUPREME COURT

We appealed to this court on 5/20/2019 and this court remanded this case to COA on 3/18/2020

COA denied our appeal on 04/28/2021.

We appealed the decision of the Michigan Court of Appeals to the Michigan Supreme Court and the Michigan Supreme Court denied our application on 9/8/2021.

After the decision, we filed a timely motion for reconsideration, and Michigan Supreme Court denied our motion for reconsideration on 12/1/2021.

When the Michigan court of appeal denied our appeal we did research the trial court transcript and on 5/3/2021 we found that the City of Warren attorney Caillin Murphy and a

sitting juror named Susan Palombo had previous secret conversations (See explanation on exhibit 1_____.

We notified immediately the Warren police, the city of Warren mayor, City of Warren counsel members. Macomb County Sheriff and all remained silent.

On 6/8/2021 we notified the Michigan Supreme Court on the application for leave about the secret conversation of City of Warren attorney Caillin Murphy and a sitting juror Susan Palombo.

In the meantime, we notified the Michigan state police and the Michigan Attorney general about the corruption of the jury by the 37th District Court and the city of Warren attorney.

In July last year, the Michigan AG supervisory agent John Buck started an investigation on our proven allegations of the corruption of the jury.

We provided him with numerous information about the corruption of the jury and the corruption and conspiracy in the Michigan Court system.

Michigan Supreme Court denied our application on 9/8/2021 and on the same day the Michigan AG blocked the investigation without explanation.

Agent in Charge Mr. John Buck told us that his superiors in the Michigan AG blocked the investigation.

That prompted us to accuse both agencies Michigan Supreme Court and the Michigan AG of conspiring to cover up the crime of the corruption of the jury and we asked the justices to resign.

Our argument was that it would have been impossible for the Michigan Supreme Court to deny our appeal with an open investigation for corruption of the jury by the Michigan AG.

We notified the FBI and the US attorney about the corruption of the jury and about the conspiracy between the Michigan Supreme Court to cover up the crime of corruption of the jury but no action from the federal agencies so far.

THIS IS THE EVIDENCE OF PREVIOUS CONVERSATIONS BETWEEN THE CITY OF WARREN ATTORNEY CAITLIN MURPHY AND SITTING JUROR SUSAN PALOMBO

THIS IS THE EVIDENCE OF THE PREVIOUS SECRET CONVERSATIONS BETWEEN THE CITY OF WARREN ATTORNEY AND THE SITTING JUROR SUSAN PALOMBO.

We had a jury trial in the 37th District court on 12/11/2017 on the fake charges of disobeying lawful command and disturbing the peace for the incident that happened on 12/05/2016. On that day the Warren police ordered us to leave the property that

we own on 11084 Chapp, Warren without a reason and a court order.

We refused to leave and we were arrested that day.

Judge Chmura delayed the jury trial for 1 year to give time to the City of Warren to corrupt the jury.

On 12/11/2017 when we had the jury trial as seen in the transcript city attorney Caitlin Murphy asked Juror Susan Palombo (page 56 volume 1).

Question from Ms. Murphy: Do you have any other reservations or any other issues serving on a jury other than what you stated about, I think it was about doctor appointments?

Answer from Juror Palombo: Yeah, I'm a one-girl in office. It's a busy time. I did hear you ask a question. I did, I forget, back after high school I did work for the Warren police department for a year for maternity leave, temporary. I did do that.

Ms. Murphy: Okay.

Juror Palombo: when they moved first from 9 mile I was there and they build the new building so.

Ms. Murphy: Do you know any police officers from that experience?

Juror Palombo: No, that was 30 years ago.

Ms. Murphy: No, okay. 30 years ago. Nothing further, your Honor.

End of conversation. (see exhibit 2)

Explanations on why juror Palombo was corrupted by judge Chmura and City of Warren attorney Caitlin Murphy.

Up to this point when Ms. Murphy asked juror Palombo:

“Do you have any other reservations or any other issues serving on a jury other than you stated about, I think it was about doctor appointments?” nobody on the court asked Ms. Palombo any questions about doctor appointments.

See the entire debate in the jury trial between Caitlin Murphy and Juror Susan Palombo.

Ms. Palombo after the question from Ms. Murphy about the doctor appointments, she quoted “yeah” which means that both had discussions about the doctor appointments before the jury duty began.

Juror Palombo immediately knew the question of doctor appointments was a question that should have been asked because **it was revealed that Ms. Murphy and juror Palombo had prior contacts** and jumped immediately to change the subject of the discussion.

Ms. Palombo talked about the job she allegedly had for one year at Warren PD after she finished high school when she said.

Ms. Palombo comes up with the subject of her prior job history even though nobody asked her to avoid the conversations for "doctor appointments".

In doing so Ms. Palombo made several mistakes because she was desperate to change the course of the discussion and in a very short time and unexpected turn of events she could not calculate the time and the circumstances of the experience that she claimed she had a police officer in the City of Warren.

These are the mistakes that Ms. Palombo did.

First:

She said the following "when they moved first from 9 mile I was there and they build the new building so".

Ms. Palombo's birthday was in 1960. Warren PD moved to the current building in 1979. EXHIBIT

3

Ms. Palombo would have been 18 years old according to her testimony when she finished high school, finished the course for the police officer, and spent another year as a police officer because in 1979 Warren PD moved to the current building and she

spent one year as a police officer before that. This is impossible.

Second:

Ms. Palombo claimed in the jury trial that the experience that she had as a Warren police officer for one year happened 30 ago.

This is not possible to have happened.

Warren PD moved to the current building in 1979 and she claimed that she was a police officer before that. The jury trial was held in 2016 so it could have been at least 38 years and not 30 years as she claimed.

Juror Palombo did not reveal in her questionnaire anything about the "doctor appointments,

See exhibit 4

She could not calculate and coordinate her lies in such a very short period.

Caitlin Murphy and judge Chmura are directly implicated in the corruption of the jury.

Judge Chmura moved the case to the jury even though he knew that there was absolutely no crime was committed and the only hope was to corrupt the jury to convict us.

Ms. Murphy would not have been able to have contact with the jury before the jury trial without assistance and support from the court.

We have plenty of evidence that these two, judge Chmura and Caitlin Murphy conspired before in our case to hurt us at any cost.

We made several requests to the 16th Circuit Court to find out if the name of juror Susan Palombo was on the list of the jurors provided to the 37th district court as provided by the state statute but we were never able to get a response from the 16th Circuit Court.

We have been saying for a long time that in the city of Warren and lower courts everything can happen even things that are unimaginable like the corruption of the jury because our experience we had shows that.

REASON FOR GRANTING THE WRIT

1

EXTERNAL INFLUENCE OF PROSECUTOR WITH THE JUROR SUSAN PALOMBO

THIS COURT SHOULD ACCEPT THIS CASE IN ORDER TO ESTABLISH THE LEGAL STANDARD IN CASES WHERE THE PROSECUTOR AND A

**SITTING JUROR HAVE SECRET
CONVERSATIONS BEFORE THE JURY TRIAL
STARTS.**

This Court should grant certiorari to clarify the proper standard on the issue of external influences, thereby giving the necessary guidance to the lower courts. This issue is a recurring problem, one that this Court has not addressed in A LONG TIME.

**I BELIEVE THAT A FAIR AND IMPARTIAL JURY
IS NOT ONLY IMPORTANT BUT ALSO A
CRUCIAL ELEMENT TO THE INTEGRITY OF
OUR AMERICAN JUDICIAL SYSTEM.**

**THIS CASE IS UNPRECEDENTED IN THE
ENTIRE USA AND THIS COURT HAS NEVER
DEALT WITH SUCH AN ISSUE OR SOMETHING
SIMILAR.**

**THIS IS THE FIRST KNOWN CASE IN ANY
COURT IN THE ENTIRE USA THAT THE
EXTERNAL INFLUENCE ON A JUROR WAS
DONE BY THE PROSECUTOR.**

**TO MAKE THINGS WORSE THE EVIDENCE
OF THE EXTERNAL INFLUENCE WAS
PRESENTED IN OPEN COURT IN FRONT OF
THE TRIAL COURT JUDGE WHO REMAINED
SILENT.**

EXTERNAL INFLUENCE OF THE JURY THAT OCCURRED IN OUR CASE INVOLVE NOT ONLY THE PROSECUTOR BUT ALSO THE COURT BECAUSE THE PROSECUTOR COULD NOT HAVE BEEN ABLE TO HAVE PREVIOUS COMMUNICATIONS WITH THE SITTING JUROR WITHOUT THE PERMISSION OF THE COURT.

CORRUPTION OF THE JURY IN OUR CASE AND ILLEGAL ARREST SHOW THE EXTREME CORRUPTION AND CONSPIRACY IN THE COURT SYSTEM IN MICHIGAN.

IT'S VERY DISTURBING THAT THE MICHIGAN SUPREME COURT NOT ONLY REMAINED SILENT ON THE ISSUE OF THE CORRUPTION OF THE JURY BUT ALSO CONSPIRED WITH THE STATE POLICE AND STATE AG TO COVER UP THE CRIME BECAUSE THEY DON'T WANT THE PEOPLE TO KNOW HOW CORRUPT THE COURT SYSTEM IS IN MICHIGAN.

I explained in detail in the statement of facts secret conversations between the city of Warren attorney Caitlin Murphy and sitting juror Susan Palombo.

The reason that the City of Warren attorney Caitlin Murphy influenced the juror Susan Palombo was because the City did not have a case to convict us before a fair and impartial jury.

In *n Remmer v. United States*, 347 U.S. 227 (1954) this court held that "In a criminal case, any private communication, contact, or tampering directly or indirectly, with a juror during a trial about the matter pending before the jury is, for obvious reasons, deemed presumptively prejudicial, if not made in pursuance of known rules of the court and the instructions and directions of the court made during the trial, with full knowledge of the parties. The presumption is not conclusive, but the burden rests heavily upon the Government to establish, after notice to and hearing of the defendant, that such contact with the juror was harmless to the defendant."

In *Remmer*, this court held that "The integrity of jury proceedings must not be jeopardized by unauthorized invasions."

Secret conversations between the prosecutor and a sitting juror are an unauthorized invasion.

This case involves a conversation between the prosecutor and a sitting juror before the trial begins

That makes this case unique and unprecedented in so many ways and this is an issue that this court must deal with.

Government involvement in jury proceedings have catastrophic consequences to the judicial proceedings,

Stating that, it's very hard for us to find a case law that applies to this case because this case has no precedents and this court must grant this writ to create a new precedent.

In Remmer, the allegation was that one juror had been directly approached by "an outsider, with a suggestion that its juror could make some easy money if he would make a deal with petitioner Remmer". Remmer II, 350 U.S. at 378. The trial judge reported the matter to the FBI for an investigation; he did not report it to Defendant and his counsel.

In my case, we are dealing with a much more serious issue.

In my case, the juror was not approached by an outsider but by the prosecutor which in my opinion makes the entire judicial process compromised at a much higher degree than "In Remmer".

This court granted the certiorari "In Remmer" and I believe there are much more compelling reasons to do so in this case.

In my case, there are 3 very important elements equally important.

1) There were secret conversations between the city of Warren attorney Caitlin Murphy and the sitting juror Susal Palombo.

2) Juror Susan Palombo made every attempt to escape the unwanted question of the "doctor appointments" and lied several times as shown in the statement of facts because she could not calculate the lies in such a very short period of time.

3) Trial court judge remained silent.

The secret conversation occurred in open court in front of the trial court judge and the trial court judge said nothing. Due process means a jury capable and willing to decide the case solely on the evidence before it, and a trial judge ever watchful to prevent prejudicial occurrences and to determine the effect of such occurrences when they happen." Smith v. Phillips, 455 U.S. 209, 217 (1982).

Jury tampering in our case was harmful because was done by a party that has an interest in finding us guilty.

The nature of influence is of great importance and this court must address that.

There is no doubt that it was a prejudice.

Ordinarily, the Court presumes prejudice only for structural errors precisely because they are not amenable to harmless-error analysis. That is because the nature of the error does not allow a determination about whether the verdict would have

been different based on the error. *Fulminante v. Arizona*, 499 U.S. 279, 309 (1991).

Consistent with Remmer and Phillips, the claim of jury tampering is not a structural defect but is subject to a prejudice analysis.

Our case is the only case that involves the government on the external influence of a jury that's why this case is of significant importance and this court must address it.

As I explained in the statement of facts we notified local and state law enforcement and the Michigan Supreme Court in our brief for leave to appeal, and all of them remained silent.

In *Turner v. Louisiana*, 379 U.S. 466 (1965), the two principal witnesses for the prosecution were deputy sheriffs who had investigated the murder for which the defendant in the case was ultimately convicted and sentenced to death. (*Turner, supra*, 379 U.S. at p. 466.) The defendant had confessed the crime to these deputies. (*Id.* at pp. 466-467.)

In *Turner*, the jurors were sequestered during a three-day trial. The deputy sheriffs "drove the jurors to a restaurant for each meal, and to their lodgings each night [and] ate with them, conversed with them, and did errands for them." 379 U.S. at 468.

This Court held that the defendant's right to a fair trial was violated by the fact that two deputy sheriffs who were key witnesses for the prosecution had charge of the jury during the defendant's three-day trial.

This court stated: "In essence, the right to jury trial guarantees to the criminally accused a fair trial by a panel of impartial, "indifferent" jurors. The failure to accord an accused a fair hearing violates even the minimal standards of due process." 379 U.S. at 471-72.

The external influence of the jury is much more evident in our case than in Turner vs Louisiana.

In Turner vs Louisiana, there was evidence of contacts between the jurors and the 2 sheriff deputies who were witnesses in the case but there was no evidence of secret conversations like our case demonstrates.

Take a look at the jury selection in the case of juror Susan Palombo.

This is part of the conversation on the voir dire process.

Evidence that juror Palombo lied about the workplace in the questionnaire.

In addition to the lies that we mention in the brief, we now have evidence that Ms. Palobmo lied about her work in her questionnaire. Exhibit 5

In her questionnaire, (see the questionnaire) she stated that her workplace phone nr is 586 445 811. I did an investigation and I concluded that this phone nr belongs to Thomas and carol Cracchiolo Foundation stationed in st Clair shores.

According to the law, the foundations must make public all the taxes to ensure transparency with the public. I checked the taxes filed by this foundation for the year 2017 that the jury trial was held and Ms. Palombo's name was not in the books with this foundation not for 2017 and even 2016.

You can check the records online for this foundation too. (See the exhibits).

I found out that Ms. Palobmo owns her own foundation called Strunk foundation and she was the only employee at this foundation.

In her statement that is in the previous exhibits that I sent to you, she claimed to be the only employee at the office and this confirms that she lied about her employment.

But the fact that Ms. Palombo is lying again is an additional motive to investigate the purpose of her lies.

Warren to convict us lied in her jury questionnaire about her workplace.

In her questionnaire, (see the questionnaire) she stated that her workplace phone nr is 586 445 811. I did an investigation and I concluded that this phone nr belongs to Thomas and carol Cracchiolo Foundation stationed in st Clair shores.

According to the law, the foundations must make public all the taxes to ensure transparency with the public. I checked the taxes filed by this foundation for the year 2017 that the jury trial was held and Ms. Palombo's name was not in the books with this foundation not for 2017 and even 2016.

You can check the records online for this foundation too. (See the exhibit_6__).

I found out that Ms. Palobmo owns her own foundation called Strunk foundation and she was the only employee at this foundation.

In her statement that is in the previous exhibits that I sent to you, she claimed to be the only employee at the office and this confirms that she lied about her employment.

This is very important because we all know that the city of Warren and especially mayor Fouts pours a lot of money into " foundations" to corrupt people and not for humanitarian aid.

But the fact that Ms. Palombo is lying again is an additional motive to investigate the purpose of her lies.

We also notified the trial court judge, state court administrator, Michigan judicial tenure commission, more than 30 state senators, governor's office, local newspapers, etc, and all then remained silent.

There is no doubt that we are dealing with a giant scam and criminal network in the Michigan government.

Our case is a perfect example when all branches of government state and local are working together to cover up the crime of the external influence of the jury by the city of Warren prosecutor.

This is an issue that this court must address.

2.

UNCONSTITUTIONALITY OF THE CITY
WARREN ORDINANCE 22.23.

STATEMENT OF FACTS

City of Warren ordinance states the following

Sec. 22-23. - Obeying lawful command of a police officer,

“No person shall refuse to obey the lawful command of any police officer, member of the national guard of the state, or member of the armed forces of the United States of America. **No person shall fail to disperse when directed to do so by a police officer.**”

REASON FOR GRANTING THE WRIT

THIS COURT SHOULD GRANT THE WRIT TO ESTABLISH A LEGAL STANDARD WHEN DEALING WITH A ORDINANCE THAT GIVES THE POLICE UNLIMITED DISCRETION TO DISPERSE ANYBODY WITHOUT ANY REASON.

THIS IS IN DIRECT VIOLATION OF THE FIRST, FOURTH, FIFTH AND FOURTEENTH AMENDMENTS OF US CONSTITUTION.

In our constitutional order, a vague law is no law at all. *US vs Davis* 588 US 2019.

"It is established that a law fails to meet the requirements of the Due Process Clause if it is so vague and standardless that it leaves the public uncertain as to the conduct it prohibits" *Giaccio v. Pennsylvania*, 382 U. S. 399, 402-403 (1966). The constitutional requirement of definiteness, which the vagueness argument addresses, is violated by a criminal statute that fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute. *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S. Ct. 2908, 37 L. Ed. 2d 830 (1973). The underlying principle is that no man shall be held criminally responsible for conduct which he could not reasonably understand to be proscribed

The constitutional requirement of definiteness, which the vagueness argument addresses, is violated by a criminal statute that fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute. *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S. Ct. 2908, 37 L. Ed. 2d 830 (1973). **The underlying principle is that no man shall be held criminally responsible for conduct which he could not reasonably understand to be proscribed.** *United States v. Harriss*, 347 U.S. 612, 74 S.Ct. 808, 812, 98 L.Ed. 989 (1954).

Sec. 22-107.

US Supreme Court issued a ruling in this case on a City of Chicago ordinance *City of Chicago v. Morales*, 527 U.S. 41 (1999), “if a police officer observes a person whom he reasonably believes to be a gang member loitering in a public place with one or more persons, he shall order them to disperse”.

The US Supreme Court ruled that “ Because the ordinance fails to give the ordinary citizen adequate notice of what is forbidden and what is permitted, it is impermissibly vague.”

The US Supreme court argued that it was not the question of whether the police would use good or bad judgment but the ordinance gives the police unlimited discretion.

The same thing happens with the city of Warren ordinance of disobeying lawful command that gives the police unlimited discretion.

In *Hill vs US*. 368 US 424 (1962)., the United States Supreme Court considered the constitutionality of an ordinance that made it unlawful to “in any manner oppose, molest, abuse or interrupt” a police officer.

The Court concluded at the outset that this language prohibited verbal interruptions and, therefore,

implicated constitutionally protected speech under the First Amendment.

The Court first noted that the ordinance was not limited in any way to fighting words or obscene language. Instead, the ordinance imposed a blanket prohibition on speech that interrupts an officer in any manner.

Expressly clarifying that the Constitution prohibits making such speech a crime, the Court explained that “[t]he freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state.” While the Court acknowledged the difficulty of drafting precise laws, it reiterated that it would invalidate those laws “that provide the police with unfettered discretion to arrest individuals for words or conduct that annoy or offend them.”

“Hill” also stated that as the Court had “observed over a century ago, ‘[i]t would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained, and who should be set at large.’” The Court noted that the ordinance’s plain language prohibiting opposing, molesting, abusing, or interrupting a police officer in any manner could be violated on numerous occasions every day.

Nevertheless, only those individuals that the police chose to arrest would be charged with violating the ordinance. Hill concluded that because the “ordinance criminalizes a substantial amount of constitutionally protected speech, and accords the police unconstitutional discretion in enforcement,” it was substantially overbroad and facially invalid.

This case law applies to the city of Warren’s ordinance of disobeying a lawful command.

This is illegal and it violates the first, fourth, fifth, and fourteenth amendment. No law gives the police that power, it is absurd. It violates many of the US Supreme Court rulings impossible to list all like” Illinois vs Wardlow 528 U.S 119(2000), Mapp vs Ohio 367 U.S 643(1961), etc. When one part of the ordinance is unconstitutional and another part is not like is in my case and it’s not sure on which part of ordinance I was convicted that required reversal. Terminiello, 337 U.S. at 5 (holding reversal of a conviction required were “one part of the statute was unconstitutional and it could not be determined that the defendant was not convicted under that part”); The order of my conviction by jury is “ **Failure to obey/Failure to disperse, (see jury verdict)** so it could be the first or second part of the ordinance. The above case laws apply to my case. It may very well be that I was convicted because the jury saw

that I fit the extremely vague and overbroad description of this "crime". It violates constitutional rights in the most brutal way possible and gives the police absolute power to do whatever they want, regardless of the constitution and laws. This is what the ordinance says and that is every person's understanding of that ordinance. When I was arrested, the police report states that the reason was the failure to move on which meant failure to disperse. I was arrested because of the highlighted portion of the ordinance which says that the police can disperse anybody without any basis, as well as anywhere inside the City of Warren.

INSUFFICIENT EVIDENCE.

REASON FOR GRANTING THE WRIT.

THIS COURT SHOULD GRANT THE WRIT AND ESTABLISH A LEGAL STANDARD WHERE THE POLICE ARREST IS MADE WITHOUT THE EVIDENCE OF A CRIME BEING COMMITTED.

IS SUCH AN ARREST IN VIOLATION OF THE
14TH AMENDMENT OF THE DUE PROCESS
CLAUSE.

Check police videos. It's very important. The police order within seconds was "Don't come back "

- (see police video police time 1:06 min) and again "red sticker means to stop work, you cannot work, you have to leave the property or I will arrest you" (see police video Dec-5-16 time 12:07:56) or police video time 02:33 min.). First and foremost, I was on my own property and the fourth amendment applies to this case. The fourth amendment of the US constitution is based on the English common law that states that a man's house is his castle. The fourth amendment intends to ensure that the government does not arbitrarily invade a person's house without a valid reason. The United States Supreme Court is the ultimate authority that interprets the US constitution and has always recognized the right of the people to be safe and secure on their property. The decisions of the US Supreme Court are bonded in all federal and state courts and supersede other federal and state court rulings. The United States Supreme Court has decided on two

cases: Camara vs San Francisco 387 U.S 523 (1967) and See vs City of Seattle 387 U.S 541 (1967), that the homeowners have a right to ask for a court order when city inspectors conduct inspections on the property. Since the police were there simply to assist the inspector and there was no emergency occurring, such as the house burning down or flooding, or any crime being committed, the police had no authority to order me to leave our property without a court order. The 4th amendment recognizes the right of the people to be safe and secure in their homes. The city of Warren says that there was an emergency in the house when in reality, there wasn't...

Several US Supreme court decisions require that a criminal defendant be found guilty beyond a reasonable doubt. *In re Winship*, 397 U.S. 358 (1970), was a United States Supreme Court decision that held that "the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime charged.. in a criminal prosecution, every essential element of the offense must be proved beyond a reasonable doubt. See, e.g., *Apprendi v. New Jersey*, 530 U.S. 466, 477 (2000);

Sullivan v. Louisiana, 508 U.S. 275, 278 (1993). “This is the critical inquiry on review of the sufficiency of the evidence to support a criminal conviction must be not simply to determine whether the jury was properly instructed, but to determine whether the record evidence could reasonably support a finding of guilt beyond a reasonable doubt”. Further “The Constitution prohibits the criminal conviction of any person except upon proof of guilt beyond a reasonable doubt”. Jackson v. Virginia, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979). This is the main argument in Jackson v. Virginia, US Supreme Court

Lest there remain any doubt about the constitutional stature of the reasonable-doubt standard, we explicitly hold that the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged. [397 U.S. 358, 365] II. In another US Supreme court In re Winship, 397 U.S. 358 (1970) Lest there remain any doubt about the

constitutional stature of the reasonable-doubt standard, we explicitly hold that the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged. [397 U.S. 358, 365] II.

It's clear that in this case, the city of Warren failed to prove any evidence that the crime of disobeying lawful command occurred let alone "beyond a reasonable doubt". In this case, even if the evidence viewed as most favorable to the prosecution side there still is not a single evidence that the command was lawful. It's very simple" what law" applies. The city never explained that. The city of Warren never mentioned a single law in the 3-day trial. The Warren police did not act in good faith. The City of Warren did not pass the reasonableness test and "good faith" standards set forth by the US Supreme Court. It is very important to state that the police did not have a court order to order me to leave the property. There was simply no reason for the police to order me to leave the property and the police did

not come to my property with good intentions. The police ordered me to leave my property without knowing what was happening on the property and did not know the laws that applied to the facts. I had every right to resist unlawful police orders. The English common law has always recognized that right and the US Supreme Court decision google do gives citizens the right to resist unlawful arrests.

Assume it was a stop-work order and I was working it still would not be a crime under the city of Warren ordinance but a blight violation under section 9-1.

Having a permit to demolish a small building is discretionary and not mandatory under the city of Warren ordinance sec. 9-455 because it contains the word "may" and not "must" which the courts have held discretionary rather than mandatory.

Sec. 9-455. - Exceptions for minor buildings.

No permit for the wrecking of any building or structure shall be issued to any person not licensed under the provisions of this article,

except that a permit **may** be issued for the wrecking of a minor building or structure to the owners of the premises upon which such minor building or structure shall be located. The work or operation of wrecking under a permit issued to an owner shall be performed or executed by the employees or members of the owner's family acting under his or her supervision and direction and shall not be done by any independent contractor unless such independent contractor shall be licensed to carry on the business of wrecking buildings or structures under this article. For the purpose of this article, a minor building or structure shall be defined as any masonry building not over one (1) story in height and five thousand (5,000) cubic feet in volume above the grade line, or any frame or veneer building not over two (2) stories in height and twenty-five thousand (25,000) cubic feet in volume above the grade line. For the purposes

of this article, an owner means any person holding legal title to the land upon which such building or structure to be wrecked is located by deed or by land contract.

Several US Supreme court decisions require that a criminal defendant be found guilty beyond a reasonable doubt. *In re Winship*, 397 U.S. 358 (1970), was a United States Supreme Court decision that held that "the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime charged.. in a criminal prosecution, every essential element of the offense must be proved beyond a reasonable doubt. See, e.g., *Apprendi v. New Jersey*, 530 U.S. 466, 477 (2000); *Sullivan v. Louisiana*, 508 U.S. 275, 278 (1993). " This is the critical inquiry on review of the sufficiency of the evidence to support a criminal conviction must be not simply to determine whether the jury was properly instructed, but to determine whether the record evidence could reasonably support a finding of guilt beyond a reasonable

doubt". Further "The Constitution prohibits the criminal conviction of any person except upon proof of guilt beyond a reasonable doubt". Jackson v. Virginia, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979). This is the main argument in Jackson v. Virginia, US Supreme Court

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CONCLUSION

For the reasons stated above, I respectfully ask this Court to grant this Writ of Certiorari on the issues presented for review.

Respectfully submitted,

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