

Court of Appeals, State of Michigan

ORDER

City of Warren v Anthony Hoti

Docket No. 346148

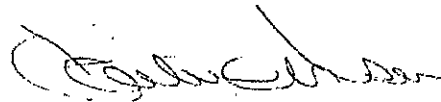
LC No. 2018-000121-AR

Kathleen Jansen
Presiding Judge

Mark J. Cavanagh

Elizabeth L. Gleicher
Judges

By order of March 31, 2020, the application for leave to appeal the circuit court's June 28, 2018, order was held in abeyance pending the decision in *City of Warren v Marjana Hoti*, unpublished per curiam opinion of the Court of Appeals, issued April 29, 2021 (Docket No. 346152). That case having been decided on April 29, 2021, the application for leave to appeal is considered and it is DENIED for lack of merit in the grounds presented.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAY 12 2021

Date


Chief Clerk

APPENDIX A

Court of Appeals, State of Michigan

ORDER

City of Warren v Anthony Hoti

Docket No. 346148

LC No. 2018-000121-AR

Colleen A. O'Brien
Presiding Judge

Deborah A. Servitto

Elizabeth L. Gleicher
Judges

The Court orders that the application for leave to appeal is DENIED for lack of merit in the grounds presented.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAR 27 2019

Date

Chief Clerk

APPENDIX A

STATE OF MICHIGAN
SIXTEENTH JUDICIAL CIRCUIT COURT

ANTHONY HOTI,

Defendant-Appellant,

vs.

Case No. 2018-000121-AR

CITY OF WARREN,

Plaintiff-Appellee.

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OPINION AND ORDER

This matter is before the Court on defendant-appellant Anthony Hoti's appeal as of right from the 37th District Court's Order entered on December 13, 2017 sentencing him to ten days in the Macomb County Jail following a jury trial which found him guilty of violating the City of Warren's code of ordinances ("Code of Ordinances"), chapter 22, article II, section 22-23 ("Section 22-23").

Factual and Procedural History

In March 2016, Mr. Hoti and his wife, Marjana Hoti, purchased a vacant house located at 11084 Chapp Ave., Warren, MI 48089 (the "Property") with the intent of refurbishing the home to rent. In order to receive a certificate of occupancy from the City of Warren, Mr. and Mrs. Hoti had to have certain inspections performed, obtain the proper permits to repair the Property, and otherwise comply with the Code of Ordinances.

On December 5, 2016, a City of Warren inspector, James Holtz, became aware that Mr. Hoti demolished a garage on the Property without the proper permit. Mr. Holtz informed Mr. Hoti that he did not have the proper permit for the demolition, a stop order was in place, and he must leave the Property. Mr. Hoti refused to leave the Property and

Mr. Holtz called the Warren Police Department. Three officers arrived at the Property and were informed by Mr. Holtz of his concern that raw sewage was on the Property as a result of the demolition of the garage and that Mr. Hoti was performing work on the Property in violation of a stop work order. As a result, the officers ordered Mr. Hoti to stop all work on the Property and leave. Mr. Hoti refused and was eventually arrested.

Plaintiff-appellee the City of Warren (the "City") charged Mr. Hoti with, *inter alia*, failing to obey lawful command/failing to disperse. Mrs. Hoti was also charged with disturbing the peace as a result of the December 5, 2016 incident. Following a jury trial, in which both Mr. and Mrs. Hoti were tried together, Mr. Hoti was found guilty of failing to obey a lawful command in violation of Section 22.23 and Mrs. Hoti was found guilty of disturbing the peace. On December 13, 2017, the 37th District Court entered Orders sentencing Mr. Hoti and Mrs. Hoti to ten days in the Macomb County Jail. On January 3, 2018, Mr. Hoti filed the instant claim of appeal. Also on January 3, 2018, Mrs. Hoti filed a claim of appeal. The Court heard oral arguments on May 21, 2018 and took the matter under advisement.

Law and Analysis

Sufficiency of Evidence

Mr. Hoti contends that the trial court erred when it failed to grant his motions for a direct verdict and that the jury verdict was based on insufficient evidence. "When reviewing a trial court's decision on a motion for a directed verdict, the Court reviews the record de novo to determine whether the evidence, viewed in the light most favorable to the prosecution, could persuade a rational trier of fact that the essential elements of the crime charged were proved beyond a reasonable doubt." *People v Parker*, 288 Mich App

500, 504; 795 NW2d 596 (2010). "[T]he question on appeal is whether a rational trier of fact could find the defendant guilty beyond a reasonable doubt." *People v Hardiman*, 466 Mich 417, 421; 646 NW2d 158 (2002). Likewise, "[a] challenge to the sufficiency of the evidence in a jury trial is reviewed de novo, viewing the evidence in the light most favorable to the prosecution, to determine whether the trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt." *People v Gaines*, 306 Mich App 289, 296; 856 NW2d 222 (2014).

The prosecution must have proven the following elements of failing to obey a lawful command of a police officer beyond a reasonable doubt:

1. The police officer gave the defendant a lawful command.
2. The defendant failed to obey that command.
3. The defendant knew or should have known that the person that he failed to obey was a police officer.

See Record on Appeal, Transcript of 12/11/17 trial, Volume I, p. 67.

It is undisputed that the officers gave Mr. Hoti commands to leave the property and Mr. Hoti failed to comply. It is also undisputed that Mr. Hoti knew that the people that he failed to obey were police officers. However, Mr. Hoti contends that the City failed to present evidence that the officers' commands that he leave the Property were lawful.

In determining whether a police command is lawful, many noninvestigatory police duties have been recognized by our courts as official duties of the police. See *People v Davis*, 442 Mich 1, 20; 497 NW2d 910 (1993) ("The police perform a variety of functions that are separate from their duties to investigate and solve crimes," which are "sometimes categorized... [as] 'community caretaking' or 'police caretaking' functions.") Courts have previously held that concern for the safety of the general public and individuals are

community caretaking functions. In *Cady v Dombrowski*, 413 US 433, 447; 93 S Ct. 2523; 37 L ED 2d 706 (1973), the court determined that the officers had lawfully searched a vehicle when they acted not to investigate a crime, but out of "concern for the safety of the general public who might be endangered if an intruder removed a revolver from the trunk of a vehicle." Further the court in *People v Corr*, 287 Mich App 499, 505; 788 NW2d 860 (2010) held that an officer was performing a lawful caretaking duty when he commanded the defendant to move her car on a private road to protect the defendant's safety.

Here, Mr. Hoti first avers the officers could not have given him a lawful command to leave the Property since the officers testified that they did not know the ordinance regarding stop work orders or the penalty for failure to comply with stop work orders. See Record on Appeal, Transcript of 12/11/17 trial, Volume I, p. 136, 163. Mr. Hoti contends that the officers' commands that he leave the Property were in violation of his constitutional rights as a property owner. Lastly, Mr. Hoti claims that the officers' commands that he leave the Property were not in compliance with MCL 125.1501 of the Construction Code Act.

In response, the City claims to have presented more than sufficient evidence that Mr. Hoti failed to obey the lawful commands of the officers. First, the City presents the officers testimony that their job duties include: enforcing ordinances, protecting the safety of the residents, and keeping the peace. See Record on Appeal, Transcript of 12/11/17 trial, Volume I, p. 118, 156. The City argues that the officers' commands that Mr. Hoti leave the Property were within their job duties. Specifically, the City presents evidence from the trial that Mr. Hoti tore down the garage without a permit (See the City's Trial

Exhibit E) and officer testimony of safety concerns due to the suspected presence of raw sewage (*Id.* at p. 159, 162). Lastly, the City presents Mr. Hoti's testimony that he demolished the garage without a permit (*Id.* at p. 175-177) and that there was a bathroom in the garage with a sewage line (*Id.* at p.176).

The Court is convinced that sufficient evidence is present in the trial court transcripts and the police squad car video that the officers' commands that Mr. Hoti leave the Property were lawful. Testimony was provided that the officers were informed that Mr. Hoti tore down the garage without a proper permit. *Id.* at 157. An officer further testified that he was concerned for everyone around the Property because of the risk of raw sewage on the Property as a result of the demolition of the garage. *Id.* at 159, 162. Additionally, upon review of the squad car video, Mr. Holtz is shown informing an officer of the danger of raw sewage on the property. See squad car video at 03:08-03:25.

Thus, the Court is convinced that the City presented sufficient evidence that the officers' commands that Mr. Hoti leave the Property were lawful because the officers were performing their caretaking duty to keep Mr. Hoti and all of those around the Property. See *Corr*, 287 Mich App at 505, 506. The Court also finds that Mr. Hoti's argument regarding MCL 125.1501 is without merit as the statute simply provides the title of the act as being the "Stille-DeRossett-Hale single state construction code act". Thus, viewing the evidence in the light most favorable to the prosecution, the Court finds that a rational trier of fact and rational jury could have found the essential elements of failure to obey a lawful command/failure to disperse proven beyond a reasonable doubt, and therefore, Mr. Hoti's conviction was supported by sufficient evidence. See *Hardiman*, 266 Mich at 421; *Gaines*, 306 Mich App at 296.

Jury Instruction

Second, Mr. Hoti claims that the district court erred in denying his request to include the Code of Ordinances, chapter 9, article I, section 9-1 ("Section 9-1") in the jury instructions. Section 9-1 provides the penalty for failure to obey a stop work order and states, in relevant part:

Except if there is an administrative hearings officer vacancy as described in chapter 2.5, section 2.54(d), the violation of a provision of this chapter is a blight violation. The administrative hearings bureau shall punish a violator found responsible for a blight violation as provided in the Warren Code of Ordinances, chapter 2.5, section 2.5-7.

The "trial court's determination that a jury instruction is applicable to the facts of the case is reviewed for an abuse of discretion." *People v Dobek*, 274 Mich App 58, 82; 732 NW2d 546 (2007). Jury instructions are examined in their entirety to determine if there was a reversible error. *People v Chap*, 283 Mich App 360, 373; 770 NW2d 68 (2009). Reversal is required only when the instruction requested is substantially correct, was not covered substantially in the given jury instructions, and the trial court's refusal to give the instruction seriously interfered with the defendant's ability to present a particular defense. *People v Moldenhauer*, 210 Mich App 158, 159-160; 553 NW2d 9 (1995). "To warrant reversal of a conviction, the defendant must show that it is more probable than not that the failure to give the requested instruction undermined the reliability of the verdict. *People v McMullan*, 284 Mich App 149, 152; 771 NW2d 810 (2009).

Mr. Hoti argues that district court's denial of his request to include Section 9-1 in the jury instructions resulted in the jury not being fully instructed of the laws that applied to the case.

In response, the City contends that the district court properly denied Mr. Hoti's request to include Section 9-1 in the jury instructions. The City argues that Section 9-1 is irrelevant as it is not sufficiently related to the charges. The City avers that Mr. Hoti was charged with failure to obey a lawful command, not violating a stop work order. Thus, inclusion of the penalty for violating a work order would have confused the jury. See *Karas v White*, 101 Mich App 208, 211; 300 NW2d 320 (1980).¹ The City further argues that the district court sufficiently protected Mr. Hoti's right to present his defense since Section 9-1 was read to the jury during cross-examination (See Record on Appeal, Transcript of 12/12/17 trial, Volume II, p. 59-62) and during closing arguments (See Record on Appeal, Transcript of 12/13/17 trial, Volume III, p. 34-38).

Based on the transcript of the trial court proceedings, the Court finds that that the trial court's refusal to include Section 9-1 in the jury instructions did not interfere with Mr. Hoti's ability to present his defense that the police officers gave him an unlawful command. See *People v Moldenhauer*, 210 Mich App at 159-160. Section 9-1 was read to the jurors on two occasions throughout the trial. See Record on Appeal, Transcript of 12/12/17 trial, Volume II, p. 59-62; Record on Appeal, Transcript of 12/13/17 trial, Volume III, p. 34-38. Therefore, the Court finds that the trial court did not abuse its discretion in denying Mr. Hoti's request to include Section 9-1 in the jury instructions because Mr. Hoti presented his defense to the jury.

Constitutionality

Next, Mr. Hoti contends that the second sentence of Section 22-23 is unconstitutional as being overbroad and vague. Section 22.23 states:

¹ The Court in *Karas* stated that "[s]ubmission of irrelevant and immaterial propositions to the jury is confusing and misleading, and therefore, erroneous.

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.

Mr. Hoti did not raise these constitutional challenges at any point during the district court proceedings, rendering the issues unpreserved. *People v Cameron*, 291 Mich App 599, 617; 806 NW2d 371 (2011). Unpreserved issues are reviewed for a plain error affecting substantial rights. *People v Schumacher*, 276 Mich App 165, 177; 740 NW2d 534 (2007). To affect the substantial rights of a defendant "generally requires a showing of prejudice, i.e. that the error affected the outcome of the lower court proceedings." *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999).

When considering the constitutionality of an ordinance, the Court begins with the presumption that ordinances are constitutional and must construe ordinances consistent with this presumption unless their unconstitutionality is readily apparent. *People v Rogers*, 249 Mich App 77, 94; 641 NW2d 595 (2001). The party challenging an ordinance's constitutionality bears the burden of proving its invalidity. *People v Malone*, 287 Mich App 648, 658; 792 NW2d 7 (2010), overruled in part on other grounds by *People v Jackson*, 498 Mich 246, 262 n. 5; 869 NW2d 253 (2015).

In support of his argument that the second sentence of Section 22-23 is overbroad and vague, Mr. Hoti contends that the language of the ordinance allows a police officer to order any person to disperse without any basis.

In response, the City contends that the first and second sentence of Section 22-23 must be read together and the second sentence is to be read as a specific example of what is prohibited in the first sentence. Thus, the City argues that Section 22-23 states that an officer must have a lawful reason to command someone to disperse. The City

also argues that even if the second sentence of Section 22-23 is unconstitutional, there was no error in the case as the jury instructions were based on the first sentence of Section 22-23.

Based on the above arguments and the trial court transcript, the Court finds that Mr. Hoti has failed to provide the Court with any evidence that the second sentence of Section 22-23 affected his substantial rights in the trial court proceeding. The jury instructions clearly listed the elements of failing to obey lawful command/failing to disperse as (1) the police officer gave the defendant a lawful command, (2) the defendant failed to obey that command, (3) the defendant knew or should have known that the person he failed to obey was a police officer. The jury instructions did not include the language of the second sentence of Section 22.23. Thus, the Court finds that Mr. Hoti failed to provide evidence that the second sentence of Section 22.23 affected the outcome of the district court proceedings or affected his rights. See *Carines*, 460 Mich at 763.

Lastly, Mr. Hoti argues that the jury was corrupt, the trial court judge should have recused himself from the case, and the city prosecutor and trial court judge conspired against him. However, Mr. Hoti did not raise these issues during the district court trial, did not present the issues in his statement of questions presented and failed to provide any support for his allegations. "An appellant may not merely announce his position and leave it to the Court to discover and rationalize the basis for his claims..." *People v Kelly*, 231 Mich App 627, 640-641; 588 NW2d 480 (1998). Further, "an issue not contained in the statement of questions presented is waived on appeal." *English v Blue Cross Blue*

Shield of Michigan, 262 Mich App 449, 459; 688 NW2d 523 (2004). Thus, the Court need not address these arguments.

Conclusion

For the reasons stated above, defendant-appellant Mr. Hoti's claim of appeal is DENIED. This Opinion and Order resolves the last pending claim and CLOSES this case. MCR 2.602(A)(3).

IT IS SO ORDERED.

DIANE M. DRUZINSKI

Hon. Diane M. Druzinski, Circuit Court Judge

Date:

JUN 28 2018

DMD/ac

cc: Anthony Hoti, In Pro Per
6707 Little Turkey Run
Shelby Twp., MI 48317

Caitlin Murphy, Esq.

DIANE M. DRUZINSKI

CIRCUIT JUDGE

JUN 28 2018

A TRUE COPY

KAREN L. GRIFFIN, COUNTY CLERK

BY: J. MacLennan Court Clerk

VERDICT FORM

Defendant: Anthony Hoti

Count No. 1: Disturbing the Peace

W166852B

POSSIBLE VERDICTS:

You may return only one verdict on this charge. Mark only one box on this sheet.

☐ Guilty of Disturbing the Peace

☒ Not Guilty of Disturbing the Peace

Count No. 2: Failure to Obey a Lawful Command/Failure to Disperse

W166832A

POSSIBLE VERDICTS:

You may return only one verdict on this charge. Mark only one box on this sheet.

☒ Guilty of Failure to Obey/Failure to Disperse

☐ Not Guilty of Failure to Obey/Failure to Disperse

Count No. 3: Hindering a City Employee

W170756

POSSIBLE VERDICTS:

You may return only one verdict on this charge. Mark only one box on this sheet.

☐ Guilty of Hindering a City Employee

☒ Not Guilty of Hindering a City Employee

Count No. 4: Hindering a City Employee

W170757

POSSIBLE VERDICTS:

You may return only one verdict on this charge. Mark only one box on this sheet.

☐ Guilty of Hindering a City Employee

☒ Not Guilty of Hindering a City Employee

Order

Michigan Supreme Court
Lansing, Michigan

March 18, 2020

Bridget M. McCormack,
Chief Justice

159627 & (96)(97)

David F. Viviano,
Chief Justice Pro Tem

CITY OF WARREN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 159627
COA: 346148
Macomb CC: 2018-000121-AR

ANTHONY HOTI,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the March 27, 2019 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals, which shall hold this case in abeyance pending its decision in *City of Warren v Marjana Hoti* (Court of Appeals Docket No. 346152). After *City of Warren v Marjana Hoti* is decided, the Court of Appeals shall reconsider this case in light of that case. The motion to expand record is DENIED.



r0311

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 18, 2020

Clerk

APPENDIX C

Order

Michigan Supreme Court
Lansing, Michigan

September 8, 2021

Bridget M. McCormack,
Chief Justice

163101 & (118)

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

CITY OF WARREN,
Plaintiff-Appellee,

v

SC: 163101
COA: 346148
Macomb CC: 2018-000121-AR

ANTHONY HOTI,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the May 12, 2021 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

APPENDIX C

Order

Michigan Supreme Court
Lansing, Michigan

December 1, 2021

Bridget M. McCormack,
Chief Justice

163101 (125)

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

CITY OF WARREN,
Plaintiff-Appellee,

v

SC: 163101
COA: 346148
Macomb CC: 2018-000121-AR

ANTHONY HOTI,
Defendant-Appellant.

On order of the Court, the motion for reconsideration of this Court's September 8, 2021 order is considered, and it is DENIED, because we are not persuaded that reconsideration of our previous order is warranted. MCR 7.311(G).



ml122

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 1, 2021

Clerk

APPENDIX C

1 MS. MOCERI: Juror 1000, Susan Palombo.

2 THE COURT: Okay, Ms. Murphy, go ahead.

3 MS. MURPHY: Good afternoon.

4 JUROR PALOMBO: Hi.

5 MS. MURPHY: Have you ever been pulled over?

6 JUROR PALOMBO: Yes.

7 MS. MURPHY: Yes, in the city of Warren?

8 JUROR PALOMBO: Yes.

9 MS. MURPHY: For what? Did you get a ticket?

10 JUROR PALOMBO: Yes.

11 MS. MURPHY: What was it for?

12 JUROR PALOMBO: Speeding, stop sign.

13 MS. MURPHY: Okay. Was it on Van Dyke, it

14 wasn't Officer Kahn was it?

15 JUROR PALOMBO: No, I don't know that name.

16 MS. MURPHY: Okay. All right.

17 JUROR PALOMBO: I lived in Warren my whole life

18 so all my tickets have been Warren.

19 MS. MURPHY: Oh, okay.

20 JUROR PALOMBO: Two miles from home.

21 MS. MURPHY: Have you ever had a bad experience

22 with an officer?

23 JUROR PALOMBO: No.

24 MS. MURPHY: Okay. They've always been polite

25 to you and even when writing you a ticket?

1 JUROR PALOMBO: Yes.

2 MS. MURPHY: Okay. Have you ever fought any of
3 these tickets?

4 JUROR PALOMBO: Yes.

5 MS. MURPHY: Okay.

6 How was your experience with the criminal
7 justice system?

8 JUROR PALOMBO: It was fine. I think I pleaded
9 on some of 'em to get a reduced rather than argue.

10 MS. MURPHY: Okay.

11 JUROR PALOMBO: Even though I didn't feel I was
12 guilty but, yeah.

13 MS. MURPHY: So you talked to a city attorney
14 likely and they treated you okay?

15 JUROR PALOMBO: Yes, absolutely.

16 MS. MURPHY: Okay. All right.

17 Do you -- do you own your home?

18 JUROR PALOMBO: Yes.

19 MS. MURPHY: Okay.

20 Have you ever pulled a permit, building permit?

21 JUROR PALOMBO: Again, I think it was for a
22 roof. We did do the roof but it was probably the roofer
23 that did it.

24 MS. MURPHY: Okay.

25 Do you have any -- have you ever gotten any

1 property maintenance tickets?

2 JUROR PALOMBO: No.

3 MS. MURPHY: No interaction with any property
4 maintenance inspectors, zoning inspectors, building
5 inspectors, anyone like that?

6 JUROR PALOMBO: No. We do have problem with
7 water along Schoenherr on the sidewalk, my husband has
8 spoke [sic] to someone.

9 MS. MURPHY: Okay. And -- and did they address
10 that complaint at all?

11 JUROR PALOMBO: It was -- I live along
12 Schoenherr, the sidewalk built up with water and between
13 them saying it's the county, and the county saying it's
14 the city.

15 MS. MURPHY: Okay.

16 JUROR PALOMBO: So it was never resolved.

17 MS. MURPHY: Do you have any rental properties,
18 any other proper -- own any other property anywhere?

19 JUROR PALOMBO: I do. I have a cabin up north.

20 MS. MURPHY: Okay.

21 Do you rent it out at all?

22 JUROR PALOMBO: No.

23 MS. MURPHY: Okay. It's just for you.

24 JUROR PALOMBO: Mm-hmm.

25 THE COURT: Is that a yes?

1 JUROR PALOMBO: I do not rent it out. It's for
2 us only. Yes.

3 MS. MURPHY: Okay. You've been to city hall to
4 pay a water bill or take care of any other business?

5 JUROR PALOMBO: I do pay my taxes in person
6 every year.

7 MS. MURPHY: Okay.

8 Have you had a bad experience paying your
9 taxes, other than having to pay taxes?

10 JUROR PALOMBO: No, I'm happy to pay.

11 MS. MURPHY: Do you have any other reservations
12 or any other issues serving on a jury other than what you
13 stated about, I think it was doctor appointments?

14 JUROR PALOMBO: Yeah, I'm a one-girl office.
15 It's a busy time. I did hear you ask a question, I did,
16 I forgot, back after high school I did work at the Warren
17 Police Department for a year for maternity leave,
18 temporary. I did do that.

19 MS. MURPHY: Okay.

20 JUROR PALOMBO: When they first moved from Nine
21 Mile I was there and then they built the new building.
22 So...

23 MS. MURPHY: Do you know any other police
24 officers from that experience?

25 JUROR PALOMBO: No, that was 30 years ago.

1 MS. MURPHY: No, okay. Thirty years ago, okay.
2 Nothing further, your Honor.

3 THE COURT: Thank you, Ms. Mur -- Ms. Murphy.
4 Mr. Lipman, go ahead.

5 MR. LIPMAN: Are you related to a police
6 officer or law enforcement?

7 JUROR PALOMBO: No.

8 MR. LIPMAN: Are you related to someone who
9 works in city government?

10 JUROR PALOMBO: No.

11 MR. LIPMAN: Do you believe that police
12 officers can make mistakes?

13 JUROR PALOMBO: Yes.

14 MR. LIPMAN: Can you keep an open mind
15 regarding witness testimony whether a witness is a
16 policeman or a law enforcement official that their
17 testimony should be given the same or equal weight as
18 somebody who is not law enforcement or a policeman?

19 JUROR PALOMBO: Yes.

20 MR. LIPMAN: I have nothing further.

21 THE COURT: All right, Mr. Lipman, thank you.
22 Mr. Lipman, do you have any challenges for

23 cause?

24 MR. LIPMAN: I do not.

25 THE COURT: Ms. Murphy, do you have any