

CERTIFICATE OF PETITIONER ANTHONY HOTI
(PRO SE)

I hereby certify that this petition for rehearing is presented in good faith and not for delay and that it is restricted to the grounds specified in Supreme Court Rule 44.2.

Respectfully submitted,

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10/22/2022



1 MR. LIPMAN: May I -- may I --

2 THE COURT: I mean you can respond but --

3 MR. LIPMAN: I don't know if you're soliciting
4 an answer.

5 No, my concern was the -- it seemed to me that
6 there was malice by Mr. Williams and all I can't
7 understand is it's uncontroverted that the house next
8 door to his house was in disrepair and that my clients
9 bought it and were improving it and making the
10 neighborhood better and the lot directly next door to him
11 better.

12 If that were me, and I was living next to a
13 house that was in grave disrepair including said garage I
14 don't think I would bear the same malice towards the
15 people who were trying to improve my neighborhood, as Mr.
16 Williams at least appeared to me exhibited.

17 THE COURT: Well, I did not detect any malice
18 in his testimony at all. I thought it was very neutral,
19 very objective, he simply in my view related what he saw.

20 This case has nothing to do, as I said before,
21 with building code violations. This case has everything
22 to do with showing respect to the police. I watched
23 those videos as we all have numerous times throughout
24 this trial and what really I guess disturbs me about them
25 is that how both of you were told by the police many

EXHIBIT 1

1 times to leave the premises, to just stop and go away,
2 because there was a stop work order.

3 Now I understand that that stop work order may
4 have been issued improperly, maybe it was issued
5 properly, I don't know. It doesn't matter. When the
6 police come to your property and say it's your house or
7 -- in this case, your property because you weren't living
8 there and say you've got to go. You can't be there. You
9 go. And it doesn't matter whether you agree or disagree.

10 When I was growing up and a police officer said
11 anything to me, no questions asked, I did it. You did
12 not. And I know you didn't because I saw the video. I
13 watched it, like I said. You argued with the police.

14 You -- you -- you didn't physically fight with
15 them, there was no physical confrontation nothing like
16 that but you wouldn't listen to them and the police time
17 and again, said go, leave, you can't be here. You
18 wouldn't do it. That's what this case is all about.

19 And that's what is so disturbing is the fact
20 that you just wouldn't listen to the police, we can't
21 have that. We cannot have a situation where the police
22 are called and are -- and give an order and the person to
23 whom the order is given obeys. And the police gave you
24 numerous opportunities to -- to leave.

25 Mr. Hoti, you were arrested, it took a long

EXHIBIT 1

1 someone incarcerated who has no criminal history. It's
2 not always any easy thing to do but in this case I think
3 it warrants it for the reasons that I indicated. And I
4 don't want to repeat myself but I just will sh -- just to
5 drive the point home a little bit which is that you were
6 both given numerous opportunities to cooperate with the
7 police, you did not. We cannot have that. We cannot.

8 So both of you are sentenced to 10 days in
9 jail. That's it. I mean I don't want to do anything
10 else, I'm not gonna impose fines and costs or put you on
11 probation or anything like that, I just think that the
12 City of Warren needs to teach both -- teach both of you a
13 lesson which is that you have to cooperate with the
14 police and I think 10 days in jail is gonna do that.

15 And I think that the next time when you're
16 working on a house and the police come, if they come, and
17 hopefully they don't but you're told to do something by
18 the City regarding a stop work order if there is one, or
19 anything regarding refurbishing these houses, you're
20 gonna do it. It's not gonna happen again. We're not
21 gonna have this problem and you're not gonna be treating
22 the people with disrespect at city hall and so forth.
23 That's what I'm hopeful that this jail sentence will do.

24 MR. LIPMAN: Your Honor?

25 THE COURT: Yes.

EXHIBIT 1

1 Because we start off here with an agenda by Mr.
2 Holt [sic]. I'm not quite sure where the defense got the
3 idea that there was some agenda. It's kind of -- it's
4 pretty easy actually to target somebody that isn't here
5 to defend themselves. Because you can say well, Mr. Holt
6 [sic] had an agenda, Mr. Holt [sic] did this, Mr. Holt
7 [sic] did that. Mr. Holt [sic] was always over there.
8 Mr. Holt [sic] was picking on the Hotis. Mr. Holt [sic],
9 Mr. Holt [sic], Mr. Holt [sic].

10 Well, unfortunately, Mr. Holtz not here so he
11 can't tell you whether he had an agenda, he didn't have
12 an agenda, whether this is all blown out of proportion
13 because Mr. Holtz not here to be able to defend himself
14 against any of this.

15 Mr. Lue -- Mr. Lipman's right, the burden of
16 proof for the prosecution in this case is beyond a
17 reasonable doubt. You know, I was thinking about this
18 and I hadn't thought about this for quite a while, Apollo
19 11, anybody remember it? Okay. So the night the landing
20 craft landed on the moon I was sitting on the hood of a
21 friend of mine's 1955 Chevy wagon, drinking beer and
22 looking up at a perfectly clear sky and a very round
23 white moon. And as we were listening to this being
24 televised or telecast, I should say, I looked at my
25 friend and I said, isn't it amazing, I mean we're here

EXHIBIT 2

1 laying on the front of your car drinking beer but yet
2 there's somebody walking on the moon. And he looked at
3 me and he went no, there isn't. I went, what? What do
4 you mean, no, there isn't. He's like, no, there isn't.
5 There's nobody on the moon right now. Nobody. And I
6 said, what do you think this is all being faked, I mean
7 like it's in some movie studio, TV studio and they're
8 just faking these pictures? No. Do you think we don't
9 have the technology? No. Do you think that this is just
10 a big hoax to get people to believe that we can do things
11 that we really can't do? No. And after he said no to
12 everything that I posed to him it's a possibility I
13 finally just went ah, to heck with that I'm not gonna --
14 I'm not gonna sit and discuss this with him anymore
15 because he doesn't have any reasons for his doubt.
16 Reasons for his doubt.

17 In other words, no reasonable doubt. And I
18 went to law school and one day as I was in the midst of a
19 trial I -- I thought about this example and I thought my
20 god, this is the perfect example of not having a
21 reasonable doubt. No reasonable doubt. No doubt that
22 you can append a reason to. That's really what
23 no reasonable doubt is. So that's really what you have to
24 look for.

25 So if that's what and it is the prosecution's

EXHIBIT 2

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: Hi. 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?

EXHIBIT 3

1 MS. MURPHY: Nothing further.

2 THE COURT: Ms. Murphy, thank you.

3 Cross-examination, Mr. Lipman.

4 MR. LIPMAN: Yes.

5 THE COURT: Go ahead.

6 CROSS-EXAMINATION

7 BY MR. LIPMAN:

8 Q Okay, when you talked about that there was a stop work
9 order, do you know what -- what that entails exactly?

10 A I do not.

11 Q Okay.

12 When someone receives a stop work order does
13 that mean they have to immediately leave the premises?

14 A It was -- it was relayed to me by the building inspector
15 that because he had put a stop work order on there could
16 be no working on the premises and they were not allowed
17 in the building because they couldn't be -- it would --
18 they wouldn't know if they were working. And it was
19 unsafe for them to do so until they had the proper
20 permits.

21 Q You have no direct knowledge of what's required under the
22 ordinance when a stop work order --

23 A Oh, I stated that. I -- it would be no different than a
24 legal question. I'd ask you, because you know. I didn't
25 go to law school.

EXHIBIT 4

1 If he put a stop work that day he would've
2 logged it?

3 A Yes, sir.

4 Q Okay.

5 Do you recall anything, again, I'm coming back
6 to about December 5th, 2016.

7 A Right.

8 Q Do you remember anything in the computer about that?

9 A No.

10 Q Okay.

11 So if Mr. Holtz had stopped by after that
12 December 5th, 2016 date whether scheduled or unscheduled,
13 if he had taken any official action it would've shown up
14 in the computer, correct?

15 A Yes, it should have.

16 Q Okay.

17 In your review of the computer within the last
18 three days, did you see anything after December 2016 that
19 Mr. Holtz was logging into the computer regarding the
20 property on Chapp?

21 A No.

22 Q So it would be safe to say that after December of 2016 if
23 Mr. Holtz wasn't dealing with the Hotis' that you were?

24 A Once again, nobody -- it could be any inspector could be
25 assigned. Nobody is assigned a person.

EXHIBIT 5