

No.

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

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TONY HOLT,

PETITIONER,

V.

THE CITY OF CHICAGO, ETC., ET. AL.,

RESPONDENT.

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**On Petition for a Writ of Certiorari to the  
Supreme Court for the State of Illinois**

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**APPLICATION FOR EXTENSION OF TIME TO  
FILE PETITION FOR A WRIT OF CERTIORARI**

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## **To The Honorable Justices of the Supreme Court of the United States**

Pursuant to the Rule 30.3 of this Court, Petitioner respectfully request a 45-day extension of time, to and including April 14, 2023, within which to file a petition for writ of certiorari to review the judgment of the Supreme Court for the State of Illinois in this case. Absent an extension, Petitioner's petition would be due 90-days from the final judgment from the Supreme Court of Illinois, which is February 28, 2023.

### **Basis for Jurisdiction in the Supreme Court**

This Court has jurisdiction to grant an application for a writ of certiorari in this case pursuant to 28 U.S.C. § 1257, as Petitioner seeks review of a judgment of the Supreme Court for the State of Illinois.

### **Opinion and Order**

On November 30, 2022, the Supreme Court of Illinois filed a memorandum decision denying Petitioner's case. See *In re Tony Holt*, Case Nos. 128772 (Supreme Court of Illinois), 1-22-0400 (Appellate Court of Illinois, First District), 2017-L-008666 (Circuit Court of Cook County 18-JA-91).

### **Judgment Sought to be Reviewed**

The Court's review is warranted to resolve significant issues of law on which the decision below departs from this Court's precedents, the Supreme Court of Illinois, and another division of the appellate Court. After a six-day trial, a correctly instructed jury returned a verdict in favor of Plaintiff in his claim against Defendants for malicious prosecution. The circuit court rejected that verdict and entered a direct

verdict in favor of Defendants. The appellate court affirmed, and the Supreme Court of Illinois denied review.

The circuit court's decision to usurp the jury as factfinder should be reviewed since further investigation of a witness' statements is required once a question has arisen about the veracity of those statements. The appellate court's opinion diverges from the law by holding that probable cause exists when a purported victim accuses someone of a crime regardless of any other circumstances, including whether such allegations are credible or would instead cause a reasonable officer to doubt the allegations' veracity. This opinion sets Illinois courts apart from federal courts, which examine such accusations among the totality of the circumstances without considering them dispositive. The appellate court's decision also divides appellate courts within Illinois, particularly the Appellate Court for the Second District which has concluded that there is no dispositive value to an alleged victim's accusations. This division between the state and federal governments with respect to probable cause and the veracity of witness statements is a conflict that necessitates review.

### **Reasons for Extension of Time**

The additional time is warranted due to significant professional obligations in pending appellate matters and the need to consult and obtain documentary evidence. The legal issues in the case require coordination between counsel and Petitioner. This process is lengthened by the status of Petitioner.

Petitioner believes an extension will result in no prejudice to Respondent.

## CONCLUSION

Petitioner's request is intended to ensure that Petitioner and counsel have adequate opportunity to discuss the merits of their claim, retrieve and review all appellate documents, and provide complete and effective assistance of counsel.

Respectfully submitted,

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Dated: February 1, 2023.

## CERTIFICATE OF CONSULTATION

I HEREBY CERTIFY that counsel for Respondent was contacted via e-mail for Respondent's position regarding this extension and no response was received as to an objection.

## CERTIFICATE OF SERVICE

I, Robert L. Sirianni, Jr., hereby certify that an original and 2 copies of the foregoing Application for Extension of Time for the matter of *Tony Holt v. The City of Chicago, etc., et. al.*, were sent via Next Day Service to the U.S. Supreme Court, and 1 copy was sent Next Day Service and email to the following parties listed below, this 2<sup>nd</sup> day February 2023.

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Robert L. Sirianni, Jr., Esquire



## SUPREME COURT OF ILLINOIS

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November 30, 2022

In re: Tony Holt, petitioner, v. The City of Chicago, etc., et al.,  
respondents. Leave to appeal, Appellate Court, First District.  
128772

The Supreme Court today DENIED the Petition for Leave to Appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on 01/04/2023.

Very truly yours,

*Cynthia A. Grant*

Clerk of the Supreme Court