

No. 18-8290

IN THE SUPREME COURT OF THE UNITED STATES

Vicky Ware Bey, In Propria Persona
Plaintiff / Petitioner - Appellant
V.

Joseph Ponte, JOSEPH PONTE, COMMISSIONER
Personal and professional capacity doing business as
NEW YORK CITY DEPARTMENT OF CORRECTIONS

Cynthia Brann, Acting Commissioner of the
NEW YORK CITY DEPARTMENT OF CORRECTIONS

Aaron Scarlett, AARON SCARLETT, CORRECTION OFFICER
NEW YORK CITY DEPARTMENT OF CORRECTIONS

NEW YORK CITY DEPARTMENT OF CORRECTIONS

CITY OF NEW YORK

JOHN DOE 1-1000, JANE DOE 1-1000
DEFENDANT(S) – Appellees

On Petition For Writ Of Certiorari
To the United States Court of Appeals For the Second Circuit

APPLICATION FOR REHEARING

Vicky Ware Bey, In Propria Persona, Sui Juris
Authorized Representative
Ex-Relatione, Vicky Ware,
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PETITION FOR REHEARING

The Plaintiff / Petitioner / Claimant/ Appellant, Vicky Ware Bey In Propria Persona, Sui Juris who is an Aboriginal, Indigenous Moorish American and an injured party respectfully petitions the Court for a rehearing of her Petition for a Writ of Certiorari before a Full Nine Member Court to review the order of the United States Appellate Court for the Second District. The Plaintiff / Appellant moves this court for an order (1) vacating the decision on April 29, 2019, which denied the Petition for Writ of Certiorari filed by Plaintiff / Petitioner/ Claimant / Appellant initially filed her Petition for a Writ of Certiorari on October 19, 2018, and (2) granting the Petition for Writ of Certiorari Pursuant to the United States Constitution Articles VI, Article III, Sections 1, 2, 3, and the First and Ninth Amendments within the United States Constitution and rule 44.1 Bey v. Ponte, No. 18-8290 (U.S. April 29, 2019). (3) Stay mandate pending the rehearing. The Grounds for rehearing are stated below. This Petition for rehearing has been submitted within 25 days of the Courts decision.

OPINIONS BELOW

The date on which the United States Court of Appeals decided this case was June 7, 2018. A timely petition for rehearing was denied by the United States Court of Appeals on the following date: July 10, 2018, and a copy of the order denying rehearing / reconsideration appears are attached. An extension of time to file the petition for a writ of certiorari was granted by Honorable Ruth Bader Ginsburg to and including December 7, 2018 on October 4, 2018 in application number 18A355.

JURISDICTION

Jurisdiction of this Court is invoked by Title 28 U.S.C 1254(1), Title 28 USC 2101, The United States Constitution, Article III Sections 1 and 2, Article VI, Section 2, and the Seventh and the Ninth Amendments.

REASONS FOR GRANTING A REHEARING

Appellate Court Errors, Oversites and Omissions

The Appellate Court for the Second Circuit dismissed the Plaintiffs / Petitioners/ Claimants Complaint and Claims of Sexual Harassment, Hostile and Offensive Work Environment, work related retaliation that involves stalking, criminal trespassing and the illegal and unlawful nonconsensual recording and dissemination /furnishing of nude graphic images of the Plaintiff / Petitioner, her relatives and intimate partner. The Plaintiff / Petitioner who suffered an adverse employment action filed a complaint that contains claims of Sexual Harassment, Hostile and Offensive Work Environment, work related retaliation that involves stalking, criminal trespassing, the illegal and unlawful nonconsensual recording and dissemination /furnishing of

nude graphic images of the Plaintiff, her relatives and intimate partner. The Plaintiff / Petitioner's complaint also includes claims of hostile cybersexual acts, discrimination based upon her sex/gender, age, national origin, physical disabilities, and perceived disability, adverse employment actions, which all are in conflict with other courts that recognized these intentional wanton and malicious acts. The Plaintiff submitted an application to the Appellate Court requesting that the Court issue an order compelling discovery from the Defendants which was never addressed by the court which is an omission. The Plaintiff filed Applications for oral arguments were never answered by the court which is another court omission. The Plaintiff filed an Application for partial monetary relief which was not addressed by the court and is another court omission. The Plaintiffs vehicle was intentionally damaged in the vicinity of the Appellate Court by the Defendants who retaliated against for her filing working copies of an application for partial monetary relief. The Plaintiff filed a report of property damage which was not addressed by the court which is an oversite. The Plaintiff/Petitioner filed a permanent injunction against the Defendants in Affidavit form which still stands.

Conflicts with other Circuits

Other Circuits have ruled on the egregiously wrong acts of nonconsensual dissemination of Graphic images *Ninth Circuit United States v. Osinger* 753 F 3d, 939 (2014), *Eight Circuit United States v. Sayer* 748 F 3d, 425 (2014), *United States v. Petrovic*, 701 F 3d, 849, *Vermont v. Van Buren* 253, (2016).

The District Court was in error when they erroneously dismissed this case overlooking laws, facts and documents contained in the Plaintiffs / Petitioners, complaint and claims of a hostile and offensive work environment where she was discriminated against because of her sex/gender, age, national origin, physical disability, and perceived disability. The Plaintiff / Petitioner was subjected to work related retaliation and suffered an adverse employment action where she was constructively discharged in retaliation for objecting to being sexual harassed at work, and submitting a complaint to the NEW YORK CITY DEPARTMENT OF HUMAN RIGHTS ## 1-1-1104660386 and NEW YORK CITY DEPARTMENT OF CORRECTIONS EQUAL EMPLOYMENT OFFICE regarding a hostile work environment and ongoing work related retaliation which the Defendants who are the Plaintiffs / Petitioners employer with the exception of Aaron Scarlett had knowledge of prior to her objection to his unwanted behavior.

District Court Errors, Oversites and Omissions

The District Court erred in in their omissions by overlooking the Plaintiffs Affidavit/ Application to compel discovery from the Defendants who willfully disregarded the Plaintiff Subpoena and prior requests for specified documentation during and prior to the pretrial phase of this action. The Plaintiff / Petitioner requested specified

documentation from the Defendants prior to the commencement of this action in good faith. The District Court failed to issue an order compelling discovery from the Defendant who intentionally and willfully refused to produce specified documentation they were subpoenaed for which was the Plaintiff's / Petitioners Personnel Records and Complete Medical File which is pertinent to the Plaintiffs complaint and claims for which relief could be granted. This is an omission on behalf of the District Court for failing to issue an order compelling the Defendants to produce these specified documents they were subpoenaed for.

The District Court failed to address the proximity of the Plaintiffs / Petitioner's objection to being sexually harassed at work and retaliation to her constructive discharge. In making the plausibility determination , the Court must be mindful of the elusive nature of intentional discrimination." No complaint may be dismissed for failure to state a claim unless it appears beyond a doubt that the Plaintiff can prove not set of facts in support of his claim which would entitle him to relief." *Conley v. Gibson, 355 US 41 (1957 Supreme Court)*. The District Court erred in omissions by ignoring the fact that the defendants intentionally failed to comply with the Plaintiffs Subpoena for documentation in the pretrial phase of this case.

**Recognition of the crimes described in the Plaintiff's / Petitioner's Complaint /
Claims by other Circuits and state courts**

Other Circuits have ruled on the egregiously wrong acts of nonconsensual dissemination of Graphic images *Ninth Circuit United States v. Osinger 753 F 3d, 939 (2014)*, *Eight Circuit United States v. Sayer 748 F 3d, 425 (2014)*, *United States v. Petrovic, 701 F 3d, 849, Vermont v. Van Buren 253, (2016)*.

A Rehearing should be granted because the Appellate Court for the Second Circuit decision Conflicts With This Court's Holding in *BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA , v. Patricia Garrett 529 US 1065 (2000)*, *Carolyn C. Cleveland v. Policy Management Systems Corporation, Murphy v. United Parcel Service, Inc (1999)*.

No disputed material facts

The Plaintiff / Petitioner filed Petition for a Writ of Certiorari in affidavit form that was unrebutted by the Defendants who are the plaintiffs / Petitioners employer with the exception of Aaron Scarlett who is in default for not answering the Plaintiffs / Petitioner Summons and Complaint, Notice of Appeal and her Appellate Brief, and Petition for a Writ of Certiorari. The Plaintiff / Petitioner is entitled to Summary Judgment on each of her claims because there is no genuine dispute to any material facts. The Plaintiff / Petitioner / movant is entitled to judgment as a matter of law (Federal Rules of Civil Procedure 56(C). There are not any disputed facts." Attached is a Waiver from the Defendants who do not intend to submit an answer. Defendant Aaron Scarlett is in default again for not answering whom the other Defendants are

liable for. The other Defendants silence and waiver is an admission of the truth the Plaintiff's allegations in all of her claims (1-8). The Plaintiff / Petitioner / Claimants Petition for a Writ of Certiorari remains unrebuted and the allegations contained in her complaint and claims for relief should be granted.

Claim 1: The Plaintiff's undisputed claims of sex/ gender, national origin, age discrimination under Title 42 USC 2000e - 2000e-17 / Title VII of the Civil Rights Act of 1964 demonstrated by a preponderance of evidence a prima facie case that (i) she is a female; (ii) she is over the age of 40; (iii) she was working in a qualified position; (iv)she is in a protected class; (v) she suffered an adverse employment action; (vi) and that the adverse action occurred in circumstances giving rise to an inference of discrimination. *St. Mary's Honor Center v. Hicks*, 509 U.S. 502, 506 (1993). The Plaintiff human rights were disregarded because of her national origin, sex/gender and age. The Defendants do not challenge any elements beyond the Plaintiffs / Petitions ability to state a prima facie case, and thus, do not address the remaining elements of this claim that can be proven. Elements that can be proven by the Plaintiff The Plaintiff suffered an adverse employment action, the Plaintiff was retaliated against for objecting to unlawful and illegal employment practices and for objecting to being sexually harassed at work. The Plaintiff was constructively discharged by the Defendants. The Plaintiff seeks relief in the amount of for \$400,000.00 compensatory damages, \$8,300,000.00 punitive damages, and \$300,000.00 speculative damages a total of \$ 9,000,000.00 Nine Million Dollars for this claim.

Claim 2: The Plaintiff's undisputed claims of disability discrimination under Title 42 USC 12112 and the Americans with Disabilities Act of 1990 demonstrated by a preponderance of evidence a prima facie case that (1) she sustained permanent inmate related physical injuries at work during the performance of her duties; (2) The Plaintiffs permanent physical injuries are a direct proximate cause of her permanent physical disabilities; (3) The Defendants claimed to have perceived the Plaintiff as having mental disability and intentionally deprived her of employment after being employed over seventeen years; (4) The Plaintiffs terms of employment was changed based upon her inmate related physical disabilities and perceived mental disabilities (occupational disease); (5) The Plaintiff was working in a qualified position; (6) The Defendants discriminated against the Plaintiff based upon her work and inmate related permanent physical disabilities and perceived mental (occupational disease which was incurred by abusive employment practices stated in the Petitioners Writ of Certiorari and Complaint); (7) The Plaintiff was barred from employment and prevented from returning to work because of her work and inmate related physical disabilities which are permanent and the Defendants claim of perceiving the Plaintiff as having a mental disability which is occupationally related; (8) The Defendants classified the Plaintiff as medically discharged under Public law 71 / 73; (9) The Defendants are intentionally inflicting emotional distress upon the

Plaintiff by subjecting her to financial abuse by continuing to discriminate against the Plaintiff based upon her permanent physical disabilities and perceived mental disability breaching the Correction Officers Benevolent Associations Collective Bargaining Agreement concerning all forms of work related discrimination as well as violating state and federal laws concerning this matter. The Defendants are influencing NYCERS to deny the Plaintiff disability retirement they medically discharged her for in addition to causing the diminishment of her regular retirement benefits and concealing money that is owed to the Plaintiff. The Plaintiff demands remedy and relief in the amount of \$50,000,000.00 Fifty Million dollars in punitive, pecuniary and compensatory damages.

Claim 3: The Plaintiff's undisputed claims of the Defendants conspiring to deprive her of her rights under Title 42 USC 1983, Title 18 USC 241, Title 18 USC 2511 demonstrated by a preponderance of evidence a prima facie case (1) she was constructive discharged from employment; (2) The criminally trespassed upon her private property (home invasions); (3) The Defendants and their accomplices damaged the Plaintiffs property (vehicle) to stop her from proceeding in court on two occasions in the vicinity of the District Court and the Appellate Court; (4) The Defendants and their accomplices conspired and intercept and publicly furnish the Plaintiffs, her family's and intimate partners electronic communications; (5) the Defendants impede the Plaintiffs, her relatives and intimate partners ability to freely travel upon highways and local streets; (6) The Defendants and their accomplices conspire to impose fines upon the Plaintiff, her relatives for exercising their rights to travel. The Defendants and their accomplices are retaliating against the Plaintiff by stalking and sexually exploiting her, her relatives and intimate partner without their consent in retaliation for the Plaintiff objecting to being sexually harassed at work by Defendant / Correction Officer Aaron Scarlett in addition to objecting to illegal and unlawful employment practices. The Defendants and their accomplices stalk her to intimidate, threaten and oppress streets with their vehicles interfering with her rights to freely travel causing the Plaintiff to be late to appointments or completely miss engagements causing her lost opportunities and additional economic damages. The Defendants interfere with the Plaintiffs and some of her relatives medical care, mail, access to legal counsel which is causing irreparable damages. The Defendants conspired to deprive the Plaintiff of employment , her salary, and correct pension benefits. The Defendant(s) are in violation of Title 18 USC 241, the United States Constitution Article IV, Section IV, Amendments IV, IX, United Nations Universal Declaration of Human Rights Articles 1,3,5, 7, 12, 21 Section 2., Article 25, Section 2. The Plaintiff seeks relief in the amount of \$8,000,000.00 for punitive damages, \$3,000,000.00 exemplary damages and \$3,000,000.00 pecuniary damages. A total of \$14,000,000.00 as a remedy for this claim.

Claim 4: The Plaintiff's undisputed claims of being deprived of her rights by the Defendants who acted under color of law and are in violation of Title 18 USC 242 demonstrated by a preponderance of evidence a *prima facie* case that Under color of law, office and authority the Defendant(s) Joseph Ponte used his position as the Commissioner of the New York City Department of Corrections in concert with other Correctional staff members, as well as other employees who work for other Law Enforcement Agencies and Municipal Agencies to collectively retaliate against the Plaintiff for objecting to Mr. Scarletts unwanted sexually harassing behavior at work by (1) employing certain staff members and employees of other Law Enforcement and Municipal agencies to deprive the Plaintiff, some of her relatives, and intimate partner of their Human and Constitutional Rights by criminally abusing their authority to illegally surveil them by criminally trespassing upon their personal property / homes. depriving them of their Rights to be secure in their persons, houses, papers and effects by illegally, and unlawfully seizing papers, and personal effects from their homes and depriving them of security inside of their homes by illegally, unlawfully surreptitiously installing covert video cameras and eaves dropping equipment inside of their homes without consent. (2) There his Evidence that the Defendants have spied on personnel from the Department of investigations and act under color of law, authority, and office to deprive the Plaintiff her family and intimate partner of their rights. (3) The Defendants and their Accomplices act under color of law, authority, and office by making false statements and accusations about the Plaintiff, some of her relatives as well as her intimate partner to get other individuals to discriminate against them so that they would be deprived of benefits, liberties, and privileges of society and for the purpose of oppressing them with the help of others while intentionally damaging their reputations; (4) The Defendants under color of law impose Unconstitutional Parking Tickets/ Summons / Bills of Exchange in an attempted to impeded the Plaintiffs ability to travel; (5) The Defendants misuse their employment positions to commit crimes against the Plaintiff, her family and intimate partner to intrude upon their solitude to produce and publicly furnish revenge porn, nude images of them and their private body parts that includes breasts, vaginas, penises and buttocks to the public over the dark web without consent or the knowledge of the victims affected by this hate crime to retaliate against the Plaintiff. Some of the Plaintiffs relatives are located in different territories throughout North America as well as her intimate partners relatives are as well. Some of the Plaintiff's relatives have died in connection with this hate crime as well as some of the her intimate partners relatives have died in relation to this hate crime. This hate crime is motivated by the Plaintiffs national origin, sex / gender. The Defendants have intentionally and discriminately deprived the Plaintiff of employment, her salary, medical benefits, and correct pension benefits. The Defendants actively deprive the Plaintiff, her relatives and intimate partner of their security which is the right to life, and the right to have privacy in their homes and any other place where they have the expectation of privacy. The Plaintiff seeks injunctive relief, and monetary relief as a remedy in the amount of 30,000,000.00 for

punitive damages, 10,000,000.00 pecuniary damages in addition reasonable attorneys fees. A total of \$40,000,000.00 for as a remedy for this claim

Claim 5: The Plaintiff, her family, and intimate partner are crime victims at the behest of all of the Defendants who are in violation of Title 18 USC 2261A, Stalking and the Privacy Act of 1974. The Defendant(s) in this matter stalk the Plaintiff, her relatives and intimate partner within the Territories of the United States to intimidate, injure and harass the Plaintiff, her relatives and intimate partner by criminally trespassing illegally and unlawfully placing them under illegal surveillance within their homes as well as other areas with the intent to injure, kill and harass the Plaintiff, some of her relatives who have already died and the Plaintiffs intimate partner who has suffered as a result of deceased relatives who have been affected by this hate crime and acts of genocide. The Defendants actions against the Plaintiff constitute domestic terrorism. The Defendants and their accomplices continued to deprive the Plaintiff, her relatives and intimate partner of their of Human Rights, and Constitutional Rights. The Plaintiff demands injunctive relief and monetary relief in the amount \$20,000,000.00 Twenty Million Dollars for punitive damages as a remedy for this claim.

Claim 6: The Plaintiff is entitled to Summary Judgment on Claim 6: Violation of Title 42 USC 1983 Deprivation of Rights, and New York Penal Laws 250.05, 250.60, 250.50, 250.30 The Plaintiff, her relatives and intimate partner has equal rights under law pursuant to the United States Constitution, Title 42 USC 1981. The Defendant(s) continue to stalk, eavesdrop, intercept and furnish the Plaintiffs and the private information broadcasts and furnish unlawful nude surveillance images of the Plaintiff, her relatives and intimate partner with complete malice and reckless disregard for their lives, Human Rights, and Constitutional Rights. The Defendants actions would cause any reasonable individual to take offense to such egregious acts. The Plaintiff demands injunctive relief and monetary relief as a remedy in the amount of \$5,000,000.00 Five Million Dollars for pecuniary damages, \$6,000,000.00 Six Million Dollars in punitive damages in the amount of a total of 11,000,000.00 Eleven Million Dollars as a remedy for this claim.

Claim 7: The Plaintiff is entitled to Summary Judgment on Claim 7: Violation of Title 18 USC 1961, RICO ACT The Defendant(s) and their accomplices continue to conspire and extort the Plaintiff, her relatives by using some of their accomplices to act under color of law by imposing Unconstitutional Parking Tickets/ Summons / Bills of Exchange to causing the Plaintiff and her relatives economic hardships and for the purpose of a malicious prosecution. The Defendants and their accomplices continue to extort the Plaintiff by trying to intimidate her into being quiet about them sexually harassing and sexually exploiting her, her relatives and intimate partner by interfering with her pension benefits causing it to be diminished, impaired and committing acts of genocide against her relatives some who have died and some who are injured as well as committing acts of genocide on relatives of her

intimate partner while depriving them of their Human Rights, and Constitutional Rights by continuing to stalk the Plaintiff, her relatives and intimate partner and some of his relatives in an organized manner with the intention killing them which is unbeknownst to some of the people they solicit by making false statements and accusations to participate in this crime throughout her neighborhood and other geographical areas and businesses which is fraud under Title 18 USC 1001. Under the RICO act the Defendants conspired to continue their well financed illegal covert crimes and activities against the Plaintiff who was forced into involuntary servitude because of the conditions the Defendant(s) inflicted upon her and her relatives and intimate partner. The Plaintiff demands injunctive relief for her, her family and intimate partner and monetary relief in the amount of \$ 10,000,000.00 Ten Million Dollars as a remedy.

Claim 8: The Plaintiff is entitled to Summary Judgment on Claim 8: Violation of Title 18 USC 1584(a), 18 USC 2331(A), (B1), (5A), (5B1), (5B2), (C), Title 18 USC 1593A The Defendants actions against the Plaintiff and some of her relatives are a form of human trafficking where the Plaintiff and some of her relatives are held into involuntary servitude by the Defendants who transmit nude images of the Plaintiff, some of her relatives through video voyeurism that can yield or is yielding a profit which the Defendants know violates Title 18 USC 1584(a), and its without any benefit to the Plaintiff which clearly exhibit's the Defendants reckless disregard for the Plaintiff life whom they trespassed upon and exploit. The Defendants are financially benefiting by exploiting the Plaintiff which is a form of involuntary servitude and abuse under Title 18 USC 1589 (a1), (a2), (a3), (a4), and the Defendant(s) plan to fire the Plaintiff for submitting a complaint which would eventually allude to their voyeuristic activities which they benefit from is in violation of Title 18 USC 1593A. Under Title 18 USC 1595 as a civil remedy the Plaintiff seeks a remedy/restitution of 1,000,000.00 in punitive damages to be forced to endure this harmful act committed by the Defendant(s) and immediate full retirement benefits for being subjected to forced servitude for 5 years and counting. Each and every day is considered to be 3 tours of duty which is equivalent to 5475 tours of forced servitude which is equivalent to 10+ years. The Defendant(s) actions are wanton and equivalent to acts of domestic terrorism as defined by 18 USC 2331(A), (B1), (5A), (5B1), (5B2), (C). Plaintiff in this matter is also seeking immediate injunctive relief from the Defendant(s). The Plaintiff demands injunctive relief for her, her family and intimate partner and monetary relief in the amount of \$ 10,000,000.00 Ten Million Dollars as a remedy.

Title 42 USC 2000e-2(a)(1)provides It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individuals race, color, religion, sex or national origin; or (2) to limit, segregate, or classify his employees or

applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individuals race, color, religion, sex , or national origin. **Title 42 USC 2000e-2(c)(1)** provides that It shall be an unlawful employment practice for a labor organization to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin; (2) It shall be an unlawful employment practice for a labor organization to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment because of such individuals race, color, religion, sex, or national origin; or (3) It shall be an unlawful employment practice to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

Title 42 USC 2000e-3(a) provides that it shall be an unlawful employment practice for an employer to discriminate against any individual because he has opposed any practice made an unlawful employment an unlawful employment practice by this subchapter or because she has, made a charge.

29 CFR § 1604.11 prohibits sexual harassment: (a) Harassment on the basis of sex is a violation of section 703 of title VII. 1 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. 1 The principles involved here continue to apply to race, color, religion or national origin. (b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis. (c) [Reserved]; (d) With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action. (e) An employer may also be responsible for the acts of nonemployees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the Commission will consider the extent of the employer's

control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees. (f) Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under title VII, and developing methods to sensitize all concerned.

Wrongful deaths have occurred since the commencement of this action

This Rehearing should be granted because of the wrongful deaths that have occurred since the inception of The Plaintiff / Petitioner request the Supreme Court for the United States change venue of this action to this court and investigate the wrongful deaths of Chanel Ware, Allen Canselo, (3) Sheriffs in Atlanta Georgia, (2) Deaths in Canada, (1) Death in Jamaica (Caribbean), and (1) murder of a retired Police Officer in Jamaica New York and several other suspicious deaths in Jamaica, New York

Changes in Law

Since the Plaintiff / Petitioner who's an injured party initiated this action there have been changes in the law, April 2019 the **Violence Against Women Act "VAWA"** was reauthorized which the Plaintiff/Petitioner is covered by the following provisions. Title VI, Section 601 entitles the Plaintiff/Petitioner who is a crime victim to housing protections for victims of domestic violence, dating violence, sexual assault, and stalking. Section 602 in the Violence Against Women Act ensures compliance and implementation; prohibiting retaliation against victims, which the Plaintiff / Petitioner is covered by as a victim of the Defendants who continue to retaliate against her by Violating the United States Constitution and depriving her of her Constitutional and Human Rights. The Defendants are in violation of the Violence Against Women Act by retaliating and stalking the Plaintiff / Petitioner, her relatives and intimate partner because she objected to being sexually harassed at work by another employee. The Defendants have continued to retaliate, stalk, and sexually exploit the Plaintiff which stalking is a form of domestic violence as described in her Complaint and in her Petition for a Writ of Certiorari among other discriminatory actions committed against her by the Defendants who continue to commit hate crimes against her. Section 603 in the Violence Against Women Act protects the Plaintiff / Petitioners rights to report crime from her home which she has reported in the past. Section 604 provides Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking. Section 605 Address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking. Title VII of the Violence Against Women Act provides economic Security for victims. The Plaintiff / Petitioner who objected to being sexually harassed at work is being stalked and sexually exploited in retaliation and suffered an adverse employment action based upon her sex/gender, national origin,

age, physical disability and perceived disability which is prohibited by 42 USC 2000e-2000e-17. Section 703 of the Violence Against Women Act Provides entitlement to unemployment compensation for victims of sexual and other harassment and survivors of domestic violence, sexual assault, or stalking. In 2017 after the Plaintiff / Petitioner suffered an adverse employment action she was wrongfully denied unemployment benefits and now the Defendants have wantonly subjected the Plaintiff / Petitioner to economic abuse by exerting undue influence financial, economic behavior by tortuously interfering in the Plaintiff / Petitioners pension benefits causing it to be significantly diminished through illegal and unlawful means. The Plaintiff submitted an Emergency Affidavit to the Supreme Court requesting \$ 158,642.00 in back pay from the defendants and \$ 495,762.00 in front pay for immediate damages November 2018 which was submitted to this court several times but was never docketed along with her Petition for a Writ of Certiorari.

The Defendants are in continual violation of Title 34 U.S.C 12291 Section 40 by Stalking through the use of Technological Abuse for the purpose of harming, threatening, intimidating, controlling, stalking, harassing impersonating and monitoring the Plaintiff / Petitioner, her family member and intimate partner while falsely impersonating them by using spoofing technology in photo or video accessing email accounts, texts unwanted repeated phone calls with the intent to deceive, cause harm by sharing and furnishing their private information , photographs , and videos without their expressed consent which is illegal and unlawful and non consensual.

STATEMENT OF FACTS

The Plaintiff is a Moorish American, aboriginal and indigenous female who is over the age of 40 and a tenured employee who sustained physical injuries in the performance of her duties by an act of an inmate which is a direct and proximate result of her permanent physical disabilities. The Plaintiff who is in a protected class was actively working in a qualified position as a Correction Officer and was constructively discharged in retaliation for objecting to being sexually harassed at work by Defendant Correction Officer, Aaron Scarlett which is prohibited conduct, and was discriminated against by her employer based upon her work and permanent inmate related physical disabilities, her national origin, sex/gender, age, and perceived disability. There's a direct correlation between the Plaintiff / Petitioner being discriminated and retaliated against and her suffering an adverse employment action. *St. Mary's Honor Center v. Hicks*, 509 U.S. 502, 506 (1993). Defendant Aaron Scarlett who was a Correction Officer, sexually harassed the Plaintiff in a conspicuous manner creating a hostile and offensive work environment where anyone would be offended which was known by the remaining Defendants who were the Plaintiffs and Defendant Aaron Scarplets employers who intentionally failed to enjoin his prohibited conduct by intervening and enforcing Federal, State and City laws that prohibits sexual harassment and other prohibited conduct at work which infringes upon the rights of the Plaintiff / Petitioner. The remaining Defendants intentionally failed to exercise reasonable care allowing the work environment to become hostile and offensive in addition to retaliating against the Plaintiff /

Petitioner for objecting to Defendant Scarlett's prohibited conduct by subjecting her to an adverse employment action, and depriving her her relatives and intimate partner of their Constitutional and Human Rights by acting under of color of law, office and authority to criminally trespass into the Plaintiff / Petitioners home, as well as the homes of her relatives and intimate partner to illegally and unlawfully install unauthorized surveillance equipment in their homes without their consent or knowledge, where they have a reasonable expectation of privacy. The Defendants furnish and disseminate nude images of their private body parts (entire breast, penis, vaginas, buttocks) and revenge porn to the public sexually exploiting them in retaliation for the Plaintiff objecting to sexual harassment at work and for profit without their express consent and knowledge which is illegal, unlawful and criminal. The Plaintiff, her relatives or intimate partner never consented to being sexually exploited or having their private property taken for public use. The Defendants who were and are not engaged in any investigation are acting under color of law, authority, and office by criminally abusing their power to further deprive the Plaintiff, her relatives, and intimate partner of their rights by illegally and unlawfully intercepting and disclosing all of the Plaintiffs, her relatives and intimate partners wire, oral, and electronic communications to the general public without their expressed consent and for personal monetary gain. The Defendants intentional reckless, malicious, and retaliatory malicious conduct is causing the Plaintiff her family and intimate partner significant irreparable damages. Since the commencement of this suit against the Defendants there have been several deaths related to this action which are acts of genocide, terrorism, domestic violence, and hate crimes committed against the Plaintiff, her family, and the relatives of her intimate partner, as well as other individuals who are in opposition to the actions of the Defendants which includes at least (3) Sheriffs from Atlanta Georgia, Chanel Ware, Allen Canselo, and (2) deaths in Canada.

The Plaintiff/Petitioner, her relative and intimate partner are covered by the Provisions set forth and listed below in this Affidavit and prior writs which the Defendants are currently violating: The United States Constitution, The International Covenant On Civil And Political Rights (ICCPR), The United Nations Declaration Of Human Rights, The United Nations Declaration Of Rights Of Indigenous Peoples, The International Covenant Against Torture And Inhumane Or Degrading Treatment Or Punishment, The International Covenant Of Economic, Social And Cultural Rights, The International Convention On The Elimination Of All Forms Of Discrimination Against Women, The Declaration Of Basic Principles Of Justice For Victims Of Crime And Abuse Of Power.

The Defendants misconduct, and retaliatory actions are a direct violation of **Titles 18 U.S.C 242, 18 U.S.C 241, 18 U.S.C 1983, 18 U.S.C 1981, 18 U.S.C 2511, 18 U.S.C 1589, 18 U.S.C 1584, 18 U.S.C 1961, 18 U.S.C 2261A, 42 U.S.C 12112(a), 42 U.S.C 12111(2), 42 U.S.C 12111 (5), 42 U.S.C 12111 (7), 42 U.S.C 2000e – 2000e17, New York Penal Laws 250.05; 250.30; 250.45; 250.50; 250.66;** which prohibits their actions. The Plaintiff would also overhear co-workers talk about how the Defendants

conspired to file false charges against the Plaintiff in addition to ruining her life in multiple ways for objecting to sexual harassment.

Title 18 USC 2511 Prohibits the Interception and disclosure of wire, oral, or electronic communications

Title 18 U.S.C 241 prohibits two or more persons from conspiring to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Article IV, Section 4 of the United States Constitution pledges that “The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the legislature, or of the Executive (when the Legislature cannot be convened) against Domestic Violence.”

Title 18 USC 242 prohibits the deprivation of rights under color of law and provides that “Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

New York Penal Law Section 250.05 prohibits eaves dropping: A person is guilty of eavesdropping when he unlawfully engages in wiretapping, mechanical overhearing of a conversation, or intercepting or accessing of an electronic communication. Eavesdropping is a class E felony.

New York Penal Law Section 250.30 prohibits unlawfully obtaining communications information: A person is guilty of unlawfully obtaining communications information

when, knowing that he does not have the authorization of a telephone or telegraph corporation, he obtains or attempts to obtain, by deception, stealth or in any other manner, from such corporation or from any employee, officer or representative thereof: 1. Information concerning identification or location of any wires, cables, lines, terminals or other apparatus used in furnishing telephone or telegraph service; or 2. Information concerning a record of any communication passing over telephone or telegraph lines of any such corporation. Unlawfully obtaining communications information is a class B misdemeanor.

New York Penal Law Section 250.50 prohibits unlawful surveillance in the first degree. A person is guilty of unlawful surveillance in the first degree when he or she commits the crime of unlawful surveillance in the second degree and has been previously convicted within the past ten years of unlawful surveillance in the first or second degree. Unlawful surveillance in the first degree is a class D felony.

New York Penal Law Section 250.60 Dissemination of an unlawful surveillance image in the first degree. A person is guilty of dissemination of an unlawful surveillance image in the first degree when:1. He or she, with knowledge of the unlawful conduct by which an image or images of the sexual or other intimate parts of another person or persons were obtained and such unlawful conduct would satisfy the essential elements of the crime of unlawful surveillance in the first or second degree, sells or publishes such image or images; or 2. Having created a surveillance image in violation of section 250.45 or 250.50 of this article, or in violation of the law in any other jurisdiction which includes all of the essential elements of either such crime, or having acted as an accomplice to such crime, or acting as an agent to the person who committed such crime, he or she intentionally disseminates such unlawfully created image; or 3. He or she commits the crime of dissemination of an unlawful surveillance image in the second degree and has been previously convicted within the past ten years of dissemination of an unlawful surveillance image in the first or second degree. Dissemination of an unlawful surveillance image in the first degree is a class E felony.

The nonconsensual dissemination of graphic images colloquially called revenge porn may haunt victims throughout their life *Vermont v. Van Buren* (*Vermont Supreme Court 2016*). Harassment is violative of Title VII and is “Unwelcomed Conduct” based on sex, race, color, and national origin, it becomes unlawful when: (1) enduring the offensive conduct becomes a condition of continued employment: (2) The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating hostile or abusive according to the United States Equal Employment Opportunity Commission. Criminal cases such as the *City of New Port v. Fact Concerts 453 (U. S 247 S. Ct. (1981))* is still binding and *Carson V. Hudson 09-3514(6th Circuit 2011)* in comparison to civil complaints *United States v. Sayer, Ossinger, Petrovic* is imperfect graphic images dissemination without consent unites them. The Second Circuit dismissal of such misconduct in this action which has less demands than a criminal diminishes the harm that other Circuits, and State Courts

recognize. If remanded this case would proceed to discovery and depositions and the bar of evidence would be below that of a criminal case which would be successfully prosecuted elsewhere. Granting this petition for rehearing and the Petition for a Writ of Certiorari would send a message to all employers especially Law Enforcement that everyone must abide by the Law and criminal abuse of power and hostile cybersexual acts will not be tolerated.

IN CONCLUSION

For the foregoing reasons, and for the reasons stated in the Petition for a Writ of Certiorari, the Plaintiff / Petitioner / Claimant / Appellant prays that this court rehear and grant her Petition for a Writ of Certiorari vacating the Second Circuits dismissal remanding this case and changing its venue to this Court for further proceeding. Article III in The United States Constitution gives the Supreme Court Original Jurisdiction and Appellate Powers The Plaintiff / Petitioner prays for the following relief:

A Summary Judgment in favor of the Plaintiff in the amount of \$165,000,000.00 One Hundred Sixty Five Million Dollars or in current currency plus the costs of this action for as a remedy for Irreparable damages, speculative damages, punitive damages, compensatory damages, and special damages for the Defendants illegal and unlawful employment practice retaliatory acts and crimes.

Back pay in the amount of \$ 158,642.00 and seniority for lost time at work suffered by the Plaintiff. Front pay in the amount of \$ 495,762.00 for immediate future losses caused by the Defendants who intentionally inflicted irreparable injuries upon the Plaintiff .

Injunctive Relief and a permanent restraining order. A full investigation of the deaths of Chanel Ware, Allen Canselo, (3) Sheriffs located in Atlanta Georgia, (2) Deaths in Canada, (1) Death in Jamaica

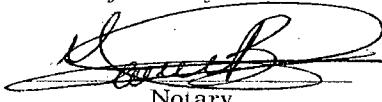
The Plaintiff demands an answer and an oral argument.

Certificate of the Plaintiff / Petitioner / Claimant

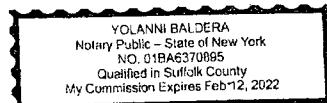
I hereby certify that this petition for rehearing is made in good faith and not for delay.

May 6, 2019

Sworn to before me on this
6th Day of May 2019



Notary



Vicky Ware Bey, Authorized Representative
In Proper Persona, Sui Juris
Vicky Ware, Ex Relatione
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