

Supreme Court, U.S.  
FILED

JUL 02 2021

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No. 21-14

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

Elizabeth Harding Weinstein,  
Petitioner,

v.

Village of Briarcliff Manor, ET AL.,  
Respondents.

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*On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Second Circuit*

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**BRIEF TO PETITION  
FOR EXTRAORDINARY WRIT OF CERTIORARI**

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Elizabeth Harding Weinstein,  
Pro Se

Currently Homeless as per the  
Courts, Permanent Address:  
180 River Road Briarcliff  
Manor New York 10510

Please direct all  
correspondence to  
[lizharding1@mac.com](mailto:lizharding1@mac.com)  
(646) 261-7685

July 2, 2021

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Brian Stryker  
Weinstein, Pro Se

180 River Road  
Briarcliff Manor, NY 10510  
[brian.weinstein@davispolk.com](mailto:brian.weinstein@davispolk.com),  
[brianstrykerweinstein@gmail.co](mailto:brianstrykerweinstein@gmail.com)  
[m](mailto:m)  
(646) 261-7685

David Chen  
Office of the Westchester  
County Attorney

148 Martine Avenue Suite 600  
White Plains NY 10601  
[dhca@westchestergov.co](mailto:dhca@westchestergov.com)  
[m](mailto:m)  
(914) 995-3616

Lewis Silverman  
Silverman & Associates

445 Hamilton Avenue Suite  
#1102  
White Plains NY 10601  
[lsilverman@silvermanandassoci](mailto:lsilverman@silvermanandassociatesny.com)  
[atesny.com](mailto:atesny.com)  
(914) 574-4510

(Counsel for Respondents)

## QUESTIONS PRESENTED

In January 2021, after publicly advocating against covid restrictions, pedophilia and government tyranny, Elizabeth Harding Weinstein, Petitioner, was denied the services of her local government, imprisoned in solitary confinement because Petitioner could not medically tolerate a mask, and remanded there for seven weeks by Defendant Judge Howard T Code.

After release, Petitioner filed a Federal 1983 claim Pro Se. Defendant Judge Code retaliated, instantly had Petitioner falsely imprisoned again, absent of criminal charges, and involuntarily committed by judicial order, in clear violation of Mental Health Hygiene laws, where she, a woman on no medications her whole life, was gruesomely forced a dangerous litany of medications, by judicial order of related judge Anne E Minihan.

Once released, Petitioner was issued an ex parte, ex post facto "order" by related judge Nancy Quinn-Koba, then immediately falsely arrested for alleged violations of the unserved "order" by Defendant Officers, and given new orders by related Judge Stuart A. Halper.

Since advocating, Petitioner, who was a stay at home mom for seventeen years, has been denied, by judicial orders: any direct access to her children; access to her home; access to all her finances; access to her belongings, all while being denied due process and access to the court in any case Petitioner is a litigant, including federal courts.

Defendants, with the assistance of related Judge Janet C Malone, are now advancing an Article 81 proceeding over Petitioner to take full control over their legal adversary, all while Petitioner's competency is self-evident.

As a Pro Se litigant, Petitioner has additionally been deprived of equal access to the lower courts. The questions presented are:

1. May a citizen be deprived of government services, or access to a government building, for not wearing a mask, even if the citizen can not medically tolerate a mask?

2. May the government imprison a citizen under the guise of "disorderly conduct" or "obstruction of government interference" for not wearing a mask, even if a citizen can not medically tolerate a mask?
3. May the government deprive a citizen of access to the Court or due process for not wearing a mask, even if the citizen can not medically tolerate a mask?
4. May prison officials punish an inmate for not wearing a mask, even if an inmate can not medically tolerate a mask?
5. May agents of the government violate the Nuremberg Code and coerce prisoners into medical experimentation?
6. Must scrutiny be applied to judicial or prosecutorial actions to weed out malice, corruption or those who flout clearly established law prior to the application of "judicial immunity"?
7. If scrutiny must *not* be applied to judicial or prosecutorial actions prior to the application of "judicial immunity," how does a litigant seek relief from judicial tyranny?
8. May the Courts have separate processes for Pro Se litigants which present obstacles to justice and deny due process?
9. Given that most abuse comes from birth families and family members by marriage, are the U.S. Courts condoning abuse and trafficking by having separate, less transparent Family Court processes?
10. Do legal Guardianships violate the Thirteenth Amendment?

## **LIST OF PARTIES**

**VILLAGE of BRIARCLIFF MANOR;**

**BRIARCLIFF POLICE DEPARTMENT;**

**JUSTICE HOWARD T. CODE**, Personally & in his Official Capacity as Justice of the Briarcliff Village Court;

**BRIAN STRYKER WEINSTEIN;**

**RORI M. ZIRMAN**, Personally & in her Official Capacity as Court Clerk;

**PHILIP E. ZEGARELLI**, Personally and in his Official Capacity as a Police Officer;

**CHIEF DOMINICK BUETI**, Personally & in his Official Capacity as a Police Officer;

**SGT. THOMAS NACKE**, Personally & in his Official Capacity as a Police Officer;

**DET. SGT. FREDRICK GALBRAITH**, Personally & in his Official Capacity as a Police Officer;

**DONALD GOREY**, Personally & in his Official Capacity as Former Chief Of Police;

**PO GREGORY CAMPUS**, Personally & in his Official Capacity as a Police Officer;

**SGT. WILLIAM BASSETT**, Personally & in his Official Capacity as a Police Officer;

**MARIA PASCETTA**, Personally & in her Official Capacity as Secretary to Village Manager;

**MAYOR STEVEN A. VESCIO**, Personally and in his Official Capacity as Mayor of the Village of Briarcliff Manor;

**EDWARD E. MIDGLEY**, Personally and in his Official Capacity as member of Board of Trustees;

**PETER E. CHATZKY**, Personally and in his Official Capacity as member of Board of Trustees;

**KEVIN HUNT** Personally and in his Official Capacity as member of Board of Trustees;

**SABINE WERNER** Personally and in his Official Capacity as member of Board of Trustees;

**JOHN DOE 1-10**;

**MARIE VITALE**, Personally and her Official Capacity as a Court Appointed Attorney;

**DANIEL POZIN**, Personally and his Official Capacity as Attorney for Briarcliff Manor,

**DAVID LAUSCHER**, Personally and in his Official Capacity as Assistant District Attorney;

**JOYCE MILLER**, Personally and in her Official Capacity as Assistant District Attorney;

**FRED GREEN**, Personally and in his Official Capacity as Assistant District Attorney

## RELATED CASES

1. *Elizabeth Harding Weinstein v. Village of Briarcliff Manor, et al*, Nos. 21-1099 and 21-1127, U.S. Court of Appeals for the Second Circuit, pending, Petitioner currently denied access to the court and electronic filing
2. *Elizabeth Harding Weinstein v. Village of Briarcliff Manor, et al*, No. 7-21-CV-01996-US District Court for the Southern District of New York, pending, Petitioner currently denied access to the court
3. *Elizabeth Harding Weinstein v. Cooper et al*, No. 1-21-CV-04543-UA, United States District Court, Southern District of New York, pending, Petitioner currently denied access to the court
4. *The People of the State of New York v. Elizabeth Harding Weinstein*, Nos. 21-010006, 20-070051, 20-100024, Dismissed March 9, 2021, Dismissal Contested by E. Harding Weinstein, currently denied access to court
5. *The People of the State of New York v. Elizabeth Harding Weinstein*, No. 21-040023 Village Court of Briarcliff Manor, pending, Petitioner currently denied access to the Court
6. *Elizabeth Harding Weinstein v. Arlene E Katz, Writ of Mandamus*, No. 2021-00436, Supreme Court State of New York, Appellate Division, Second Judicial Department, pending

7. *Elizabeth Harding Weinstein v. Brian Stryker Weinstein* No. 55866/2020 Supreme Court in the State of New York, County of Westchester, Pending, Petitioner currently denied access to the Court
8. *Elizabeth Harding Weinstein v. Brian Stryker Weinstein*, No. 2021-00402, Supreme Court State of New York, Appellate Division, Second Judicial Department, denied all access to court and all relief, February 17, 2021
9. *Elizabeth Harding Weinstein v. Brian Stryker Weinstein*, No. 2021-03800, (also classified 2021-03956) Supreme Court State of New York, Appellate Division, Second Judicial Department, denied access to court issued multiple conflicting Orders, both denying all relief, June 3 and June 7, 2021
10. *Brian Stryker Weinstein v. Elizabeth Harding Weinstein* No. 31053/2021 Supreme Court in the State of New York, County of Westchester, Pending; Article 81 Proceeding by my Domestic Violence Abuser, not properly served
11. *Brian Stryker Weinstein v. Elizabeth Harding Weinstein* No. 57121/2021, Supreme Court in the State of New York, County of Westchester, pending; duplicative divorce filing by Defendant Weinstein 1 year after Petitioner filed for divorce (see #7), never been served by Defendant Weinstein, who references this case in other filings.
12. 52851/2021 *American Express National Bank v. Elizabeth Weinstein*: Petitioner has never ever been served this case but Defendant Weinstein references this case in other filings.

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I am not a lawyer, and I pray this court understands that one not have to be a lawyer, or be slave to one, to exercise, or have access, to one's inalienable rights and freedoms. I pray this Court reviews this petition in a light most favorable to a Pro Se litigant, as all legal and ethical obligations dictate.

My intent is not to argue the merits of case law to sway the scholarly judiciary, as that process has been corrupted by pecuniary tied interests and groupthink. This case is of imperative public import, the evidence of which speaks for itself.

My intent is to advocate for my rights under the constitution, provide this Court and We The People clear and convincing undeniable evidence of "legal" enforcement of unconstitutional orders, and consistent widespread willful deprivation of citizens' rights by the judiciary, from the family court all the way up to federal appellate courts. The facts will demonstrate that We The People have two options for recourse: this extraordinary writ and the cooperation of the Supreme Court with reestablishing integrity in our courtrooms, as a worldwide model for justice; or devaluing and demolishing this system of corruption and building a new system of actual justice.

I am not a lawyer, but I am an Indisputable Good and Protective Mother, and I am building a better world for my children. I have evidence the breach of the integrity of the judiciary is the root cause of our existing worldwide crisis and desecration of our humanity. I would like to think the Supreme Court of the United States would partner with me and other citizens in reestablishing value and integrity in our existing judicial system, but if this Court does not, I will have evidence that I exhausted all legal remedies, as I show We The People how We are not free under our current judicial system.

**IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI**

Thinly veiled “covid regulations” and “mask mandates” are used to deny Petitioner access to the court and deny due process. Petitioner is currently being denied her children, her home, her finances, her belongings, her dog, and her mail, all by judicial order, all without due process, all with no relief in sight. All courts are deleting or ignoring evidence of defendant’s pedophilia, and punishing Petitioner for bringing a case. Defendants in Petitioner’s federal cases received judicial consent to advance a nefarious Article 81 proceeding against Petitioner, to gain medical, financial, social, and legal dominion over Petitioner. All of the above establishes dangerous unconstitutional precedence, and clear judicial tyranny, in our lower courts.

Petitioner respectfully prays that a writ of certiorari, interlocutory, be issued to review the judgement below and the case, as writ of certiorari is the only method for justice to be served.

**OPINIONS**

The opinions of the United States District Court in the Southern District of New York appears at Appendix 1.

The United States Court of Appeals, Second Circuit maliciously revoked Petitioner’s electronic filing rights, and denied Petitioner access on June 3, 2021 after Petitioner exposed filing impropriety and spoliation of evidence by the United States Second Circuit Court of Appeals on June 2, 2021. This appears at Appendix 2.

## **JURISDICTION**

As Plaintiff is firmly being deprived of Plaintiff's right to access to the lower court, jurisdiction lies firmly with the Supreme Court of the United States 28 U.S.C. §1254(1).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### CONSTITUTION

**The Fourth Amendment** to the United States Constitution provides, in relevant part:

**The First Amendment** to the United States Constitution provides, in relevant part:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people to peaceably to assemble, and to petition the Government for a redress of grievances.”

**The Second Amendment** to the United States Constitution provides, in relevant part:

“the right of the people to keep and bear Arms shall not be infringed.”

**The Fourth Amendment** to the United States Constitution provides, in relevant part:

“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.

**The Fifth Amendment** to the United States Constitution provides, in relevant part:

“No person shall be...deprived of life, liberty, or property, without due process of law’ nor shall private property be taken for public use, without just compensation.”

**The Sixth Amendment** to the United States Constitution provides, in relevant 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... and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.”

**The Eighth Amendment** to the United States Constitution provides, in relevant part:

“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.”

**The Tenth Amendment** to the United States Constitution provides, in relevant part:

“The powers not delegated to the United States by the Constitution....are reserved...to the people.”

**The Thirteenth Amendment** to the United States Constitution § 1, provides, in relevant part:

“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in the United States, or any place subject to their jurisdiction.”

**The Fourteenth Amendment** to the United States Constitution, § 1, provides, in relevant 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.”

**Title 18 U.S.C. § 1331** provides, in relevant part:

“The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

**Title 18 U.S.C. § 1343(3)(4)** provides, in relevant part:

“The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege, or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;”

(4) To recover damages or to the secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.”

**Title 42 U.S.C. § 1983** provides, in relevant part:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State...subjects, or causes to be subjected, any citizen of the United States...to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law...”

**Title 42 U.S.C. §12203(a)(b)**

“(a) Retaliation No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

(b)Interference, Coercion, or Intimidation It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of, his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise of enjoyment of, any right granted or protected by this chapter.”

**Title 18 U.S.C. § 241** provides, in relevant part:

“If two or more persons conspire 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.... They shall be fined under this title or imprisoned not more than ten years, or both...”

**Title 18 U.S.C. § 242** provides, in relevant part:

“Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State...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 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... shall be fined under this title or imprisoned not more than ten years, or both...”

**Title 18 U.S.C. § 1513** provides, in relevant part:

“(e) Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.

(f) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.”

**Title 28 U.S. Code § 1651(a)** provides:

“The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”

## **STATEMENT**

**I. BRIEF HISTORY** This case focuses on the unlawful arrest and solitary confined imprisonment of Petitioner for the “crime” of not being able to medically tolerate a mask, and the subsequent retaliatory action taken by judges and defendants after Petitioner filed Federal 1983 case 7-21-CV-01996-CS in the NYSD. However, a brief synopsis of events leading up to January 4, 2021 is necessary to grasp the full breadth of the lawlessness that has occurred.

**A. DEFENDANT WEINSTEIN LAWYER, DOMESTIC VIOLENCE AND PEDOPHILIA** Elizabeth Harding Weinstein, Petitioner, is a law abiding stay-at-home Mother of three, a previous ER/ICU nurse, Columbia University graduate, who had never been in trouble with the law or courts her 48 years of life. This all changed in May, 2020 after Petitioner found out that her domestic violence abuser and husband of then 18 years, Brian Stryker Weinstein, a senior litigation partner at Davis Polk, and a clerk on the Second Circuit Court of Appeals under Judge Jose Cabranes from 1997-9, who has heavy influence over the courts, was a pedophile. (A3, A4)

**B. DEFENDANT WEINSTEIN ATTEMPTED KIDNAPPING AND FALSE IMPRISONMENT OF PETITIONER** After confronting Defendant Weinstein on May 20, 2020 about his lifelong history of pedophilia, Defendant Weinstein acknowledged, to his wife and children, his lifelong indoctrination into pedophilia, and agreed not to hurt them anymore.

The next morning Defendant Weinstein had an about-face and went estranged. From May 21-31, 2020, while Defendant Weinstein was estranged and abandoned all care for his family, the children remained safely with their Petitioner Mother, as was affirmed over a period of weeks by DSS and Defendant Officers who were “investigating” the pedophilia.

Defendant Weinstein attempted to have Petitioner kidnapped and falsely committed to an institution with the assistance of Eric F. Grossman, Stephen J. Jones, Jeffrey Dyke, Dr. Cynthia Last, and O'Connor Professional Group's (OPG) Diana Clark. OPG is a service which contracts with doctors to falsify medical documents and falsely commit people whom these "doctors" had never met. (A5)

Appendix E shows Defendant Weinstein, with Jones' coordination, signed contracts with OPG, paid for their services mistakenly using the couple's credit card, was sent inpatient admission forms, and provided OPG with Petitioner's name and a list of "hospitals" to take Petitioner. Appendix E also provides evidence of Defendant Weinstein's gaslighting, denying that he was attempting to falsely commit Petitioner, acknowledging he "can not do that under the law," and affirming his knowledge Petitioner was of no threat to herself or others, all to "give (Petitioner) comfort" while he plotted and schemed.

**C. POLICE AND DISTRICT ATTORNEY RETALIATION** As Petitioner was immune to the gaslighting and had undeniable evidence of Defendant Weinstein's crimes, Petitioner thwarted Defendant Weinstein's actions and brought them to the attention of Defendant Police Officers, most notably Defendant Det Sgt Fred Galbraith, and Defendant District Attorney Green and Molly O'Rourke, of the Westchester County DA's Office, Domestic Violence Unit, where Petitioner previously sought relief from Defendant Weinstein's domestic violence via the Victim Justice Network, as is affirmed in Appendix 4.

Defendants actively stonewalled Petitioner, refused to meet with Petitioner, even to accept evidence. Petitioner dropped evidence at the police station and Defendant Officers drove it back to Defendant Weinstein.

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Defendants refused to assist Petitioner with securing an Order of Protection against Defendant Weinstein.

Defendant Green and O'Rourke advocated for Defendant Weinstein, saying he "sounded like a nice guy" and "perhaps (Petitioner) should listen to him" and abandon her children while their father was missing.

Defendant Green, O'Rourke and Galbraith said Defendant's Weinstein's action were "not against the law," despite proof that they were against the law, and were acknowledged as such in writing by Defendant Weinstein, a Yale law school graduate and senior litigation partner at Davis Polk.

When Petitioner persisted, Defendant DAs and Defendant Officers later brought unfounded criminal charges against Petitioner, for which Petitioner was continually denied access to the court to be heard, consistently for eleven months.

**D. FORUM SHOPPING TO KATZ AND UNLAWFUL EX PARTE HEARING** While Plaintiff was placated and stonewalled by Defendant Officers and DAs, Defendant Weinstein quickly went, on June 1, 2020, around 3:30pm, to an out of jurisdiction judge, Arlene E Katz, with a 150 plus page "emergency" custody petition with conflicting affidavits submitted and willfull false representations in his petition.

New custody petitions in any form were forbidden to be accepted and filed in New York State Courts under "covid" administrative order AO/78/20 without advanced approval, which Defendant Weinstein did not have.

At approximately 4:07pm Defendant Weinstein then filed a Family Offense Petition (FOP) with a different home address, and a conflicting affidavit.

Defendant Weinstein's FOP alleges no Article 8 evidence, falsifies facts, and contradicts police reports (A6). Defendant Weinstein's conflicting and unlawful petitions were filed and heard ex parte by Katz anyway, in violation of laws. (A7) Katz stated, of Defendant Weinstein's conflicting petitions, she was "at a loss to read so many pages" and she "couldn't make heads or tails of it."

Katz still granted Defendant Weinstein's requests, assigned Petitioner, a multi-millionaire, court appointed and taxpayer paid counsel, Mr. Marco Fava, who gagged Petitioner, refused to leave the case, prevented Petitioner access to documents, and assisted Defendant Weinstein, and assigned the 'of age' children (17, almost 16, and 13) an appointed attorney, who also gagged, willfully misrepresented the children, and denied them access to the court to be heard.

**E. CHILD TRAFFICKING BY KATZ AND DEFENDANT OFFICERS** On June 5, 2020 Katz scheduled a "preliminary conference" but instead held a "virtual hearing," without notice to Petitioner. The Petitioner and of-age children, having been given misinformation from the clerk, presented at the courthouse. Katz inexplicably instantly dismissed Defendant Weinstein from the "virtual hearing" from his location at Jones' office.

Katz ignored the evidence that Defendant Weinstein was estranged, missing for weeks, and under an active pedophilia investigation, and that the children were affirmed safe in the Petitioner's sole care by DSS and police for weeks.

Katz denied the 17 year old his right to witness the hearing, refused to hear from the of-age children, even by Skype, and refused to hear from the Petitioner. (A8) Katz immediately said she was issuing a ex parte full vacate and stay away temporary order of protection (TOP), in favor of Defendant Weinstein and included the of-age children, against their wishes and without their consent. Petitioner was not issued or served any orders and left the courthouse with the children and brought them home.

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Defendant Weinstein then engaged Defendant police officers to assist with kidnapping and trafficking the children to him, despite the children's plea to their Father that he not invite policemen against them, his own children (A9). Defendant Officers spent over two hours inside the family home, while the children were eating and talking, affirming the children were safe with Petitioner, while Defendant Weinstein paced at the top of the driveway but refused to speak with his family directly.

When the officers told Defendant Weinstein the children were safe and they had no cause to remove them or Petitioner, Defendant Weinstein then had a new TOP sent directly to his phone around 6:30pm on a Friday night, hours after the Courts were closed. (A10) Defendant Officers then secured a copy of the Order on their own, and read the order to the Petitioner and children. (A10, A11)

The of-age children told Defendant Officers again they wished to remain safely with Petitioner, but Defendant Officers, to wit Defendants Bassett and Raffaele, used criminal coercion and lied to the children and Petitioner, stating Petitioner would be "arrested for kidnapping" if her of-age children stayed with Petitioner of the children's own free will. Not knowing the law, Petitioner and children reluctantly complied.

Defendant officers evicted Petitioner from her home, even during a time of covid moratoriums on evictions, foisted a pedophile back on the children, and ripped Petitioner's protections away from the children, even apologizing to Defendant Weinstein that it "took so long" late Friday night, June 5, 2020.

**F. DIVORCE FILING, RECUSAL OF ALL JUDGES, EXTENSION OF ORDER, DENIAL OF RIGHTS** On June 6, 2020, the day after the children were kidnapped and trafficked to a pedophile, Petitioner filed for divorce in Supreme Court citing Defendant Weinstein's domestic violence and cruel and inhumane treatment. (A12).

From June 5-July 23, 2020, every judge in our Family Court jurisdiction extended the Katz Order and quickly recused themselves without cause, kicking the case directly back to Katz in July 2020, providing clear and convincing evidence of forum shopping. (A13)

This Katz Order was extended and/or renewed without due process to Petitioner. **For over a year, Petitioner has had no direct contact with her children**, has been left homeless, has had all of her finances cut off by Defendant Weinstein, has been denied legal fees, denied access to her home to get her belongings, denied her mail, denied access to her dog, denied the right to attend her children's birthdays, prom or graduation.

**G. CRIMINAL COERCION FOR PROTECTING CHILDREN** Over the course of months, as Petitioner fought for the rights of her children, Defendant Officers would harass then falsely arrest Petitioner for alleged "violations," such as sitting peacefully in her car in an area she sat daily, which was previously affirmed by Defendant Officers to *not* be in violation of the unproven and unlawful Katz Ex Parte TOP. (A14)

Defendant Village Judge Howard T. Code then assigned new criminal TOPs to Petitioner, while denying Petitioner access to the court to defend herself. Defendant Judge Code's orders were purposely vague as it related to modification of and cancellation by the Family Court controlling order, and Petitioner identified such at time of issuance. (A15)

Defendant Judge Code Orders imposed greater restrictions on Petitioner and her children, outside of standard protocol, absent of just cause or any allegations of harm, endangering the welfare of the children and subjecting the Petitioner to undue criminal prosecution which was willfully pursued by the DA's Office, Domestic Violence Unit, to wit Defendant Lauscher and Defendant Miller, who hid Defendant Weinstein's domestic violence, pedophilia, and crimes.

Petitioner, a stay-at-home Mother for 17 years who had never harmed anyone nor was any harm alleged, and who Defendant Weinstein affirmed himself in his affidavits and sworn statements had no concerns of physical harm was constantly stalked, harassed, intimidated by Defendant Officers. (A16)

Defendant Officers even set up "stake outs" at a neighboring street over a quarter of a mile from her home, hoping Petitioner would pass by the neighboring street (not even the home), where Defendant Officers could arrest her as said street was approximately 1490 feet from the home, and the new Code order mandated Petitioner stay 1500 feet away. (A16)

**H. FRAUD, DENIAL OF ALL DUE PROCESS IN KATZ COURT, ILLEGAL REPRESENTATION** There was egregious evidence of fraud on filings in the Katz case, and Petitioner was refused all access to her file for the seven month duration of the case (A17).

Katz repeatedly assigned illegal, harassing taxpayer-paid representation (to wit Ms. Christina T Hall and later Mr. Marco Fava again) to Petitioner, despite Petitioner having two lawyers of her own choosing representing her, and despite being a multi-millionaire and not meriting the trigger for court-appointed, taxpayer-paid representation. (A18)

**I. COLLUSION; KATZ COURT PROTECTED PEDOPHILIA, NOT CHILDREN** Appendix 18, the July 22, 2020 Katz conference, also demonstrates how Katz held Attorney Only conferences, off record, despite Petitioner's request that there be no such conferences and everything be on record.

During the on-record portion of the conference, Petitioner's three children were formally trafficked to their pedophile father by the court, granting Defendant Weinstein custody without a hearing, in violation of court rules, without objection by Petitioner's nefarious "representation" Michael Stutman and Ilana Sharan.

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Custody to Defendant Weinstein also occurred while Defendant Weinstein was the subject of a pedophilia investigation, and Katz tampered with witnesses. Katz gagged Petitioner with cooperation of Petitioner's lawyers, kicking Petitioner out of the virtual conference then only allowing Petitioner back in via Mr. Stutman's cell phone, while Mr. Stutman muted his phone and Petitioner's objections. Katz refused to address the concerns of Defendant Weinstein's endangering the children.

In a gross display of judicial malfeasance, Petitioner's protective medical and educational oversight were inexplicably removed from the children by a Katz court, at a time when Defendant Weinstein was the subject of a pedophilia investigation, was alienating and gatekeeping the children, and Petitioner had well documented concerns of the children's abuse, coercive control, and possible use of date rape drugs by Defendant Weinstein.

**J. MALPRACTICE; GATEKEEPING AND CRIMINAL COERCION OF CHILDREN; KATZ ASSIGNS HER FAMILY; PRO SE** The assigned "attorney for the children" (AFC) Gloria Marchetti Bruck refused to meet with the children while they were in Petitioner's sole care, yet took positions against the children's wishes in court while acknowledging she had never met with them. (A8)

Once the children (17, 16, 13) were trafficked to Defendant Weinstein, Bruck willfully lied about easily verifiable facts on record, refused the children all contact with the Petitioner Mother, and gatekept the children in violation of court orders which mandated access. The children told adult friends Bruck threatened their Mother would go to jail if the children contacted their Mother, which was documented in police reports. (A19)

Katz's family company, Comprehensive Family Services, was assigned to "supervise" any access the children had with their Mother, a clear conflict of interest Katz acknowledged then excused on record. (A18)

Every one of Petitioner's lawyers, to wit J. Guttridge, S. Stone, J. Cambareri, W. Beslow, C. Chimeri, J. Quatela, S. Arzourmanidis, J. Fellin, all refused to secure Petitioner court mandated access to her children. Petitioner was only able to secure access to her children while Pro Se in between counsel.

Every one of Petitioner's divorce lawyers, to wit the aforementioned lawyers, plus R. Shum, M. Stutman, I. Sharan, D. Stutman, refused to serve Defendant Weinstein the divorce papers over the course of eight weeks.

Petitioner went formally Pro Se and filed for consolidation in Supreme Court with the divorce on or around August 21, 2020. (A12)

All of Petitioner's attorneys kept their full retainer for even a few days worth of work, and all but Guttridge refused to provide Petitioner their case file.

**K. WRIT OF MANDAMUS, ATTORNEY GENERAL SEALING** On or around September 11, 2020 Petitioner filed a Writ of Mandamus requesting the following relief: to be heard on the Katz ex parte TOP; to have the children removed from the TOP given no harm was alleged to them and children were affirmed safe with Petitioner at the time of TOP issuance; and to be re-established to her home given Petitioner was unlawfully evicted by Katz while Defendant Weinstein had willfully established his own residence and informed the court of such (see A11) and a NYS "covid" moratorium on evictions was in place. (A20)

Judge Melissa Loehr denied Petitioner access to the court. Court Clerks and NYS Asst Attorney General Terrance DeRosa, counsel to Katz, tampered with the writ file. (A20)

To wit, Court Clerks refused to upload the original file, changed the filing date from September 11 to September 18, 2020, and misrepresented to Petitioner that Petitioner's letters to court were filed. Asst Attorney General Terrance DeRosa misrepresented filings and service to Petitioner, and had files deleted. Petitioner was originally unaware of the tampering as Petitioner was denied access to NYSCEF.

Petitioner was granted NYSCEF access mid-November, at which time Petitioner brought the NYSCEF and other impropriety to Judge Loehr's attention. Loehr recused herself on November 19, 2020 and Judge Susan Cacace was assigned.

Cacace further delayed the case and denied Petitioner and her children access to the court, denied oral arguments, denied Petitioner access to her home and denied all due process. Cacace waited until the Family Court case was consolidated on December 1, 2020, and then dismissed the case as "moot" on December 22, 2020, 102 days after filing.

Cacace sealed the file upon request from the NYS Attorney General's office.

**L. WILLFUL COERCION, DENIAL OF RIGHTS BY Koba** During court hearings Petitioner was berated for not being able to medically tolerate a mask, and coerced to sign forms and cooperate with Mr. Weinstein's requests or threatened Petitioner would not see her children. (A21)

On or around November 2, 2020, Petitioner was notified that the Koba divorce court was willfully delaying the August consolidation motion until December, 2020. (A22)

From August to December, 2020 Judge Nancy Quinn-Koba denied Petitioner access to her children, support, housing and legal fees. (Koba ordered support and housing but did not hold Defendant Weinstein in contempt when he refused to comply. Petitioner has never been granted any legal fees in any case to date in over a year.)

Koba consolidated the case on December 1, 2020, immediately assigned the Petitioner illegal representation of Christina T. Hall in violation of NYS Civil Practice Law and Rules, denied Petitioner direct access to her children, denied Petitioner access to the court, and assigned Petitioner a new ex parte TOP in violation of NYS Domestic Relations Laws which prevent ex parte TOP upon consolidation and which mandate both parties be heard.

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Koba refused to sign Petitioner's OSC's to be heard on the ex parte TOP, to hold Defendant Weinstein in contempt for violation of court orders for housing or support, or for Defendant Weinstein's dissipation of marital and Petitioner's personal assets totaling over \$240,000 which has never been recovered. (A30)

**II. JANUARY 4 IMPRISONMENT FOR "NO MASK"** On January 4, 2021, after seven months of being issued judicial orders in four different courts, but not being allowed access to the court to advocate for or defend herself or her children, or granted any real relief, Petitioner presented to her Village Hall to file a Freedom of Information request and to file a letter in her case regarding Village Judge Howard T. Code's denial of due process since July 2020. (A23)

**A. FALSE ARREST WITH EXCESSIVE FORCE, "MASK" CONCERN A FARCE** Unbeknownst to Petitioner at the time, Defendant Court Clerk Zirman and Village Manager Zegarelli immediately contacted the Village of Briarcliff Manor Police, who resided in the same building, to remove Petitioner from the public building stating they did not wish to "deal with her" (A24). Defendant Court Clerk, Rori Ziman, and Defendant Village Manager Philip Zegarelli, were, upon information and belief, assisting Defendant Weinstein in preventing Petitioner access to the court, and had been refusing to perform their duties to assist Petitioner since July 2020 (A25).

Defendant Officers Wilkinson and Chief Bueti arrived, and Defendant Zegarelli ask they escort Petitioner out of the building, citing Petitioner's inability to wear a mask. Defendant Officer Wilkinson unlawfully ordered Petitioner leave the public building or be arrested, and Petitioner, who had been recording the incident on her phone, complied, informing officers she would be posting the video.

Defendant Bueti granted Petitioner permission to hand in her forms prior to leaving, but entrapped Petitioner, first closed the door on the back of Petitioner, then immediately knocked the phone and papers from Petitioner hands, pinned Petitioner up against the wall, and arrested Petitioner. (A26)

Defendant officers charged Plaintiff with "disorderly conduct" at the time of the arrest, then later changed the charge to "obstruction of government administration 2" and added "resisting arrest." Defendants Zegarelli and Wilkinson lied about easily verifiable facts in their video statement and Zegarelli affidavit. (A27).

Defendant Zirman and Zegarelli can be seen on the police body cam not wearing a mask themselves less than two minutes after they just had Petitioner arrested for not wearing a mask. Defendant Officer Wilkinson tampers with evidence, witness testimony, and sound recording on the body cam video to assist Defendant Zegarelli.

**B. DENIED RIGHTS, ILLEGAL SEARCH AND SEIZURE** Petitioner was manhandled by multiple Defendant Officers with excessive force, who refused to hear or take any exculpatory evidence, and refuse to hand in Petitioner's forms.

Petitioner was brought to the police station and chained to a wall for hours, instead of a being given a ticket and released as misdemeanor charges would dictate. At no time did any officers read Petitioner her rights. Petitioner was denied access to a lawyer or any witness. Defendant Officers continually refused to take exculpatory evidence. Petitioner documented these facts immediately via affidavits filed while she was held. (A27)

Petitioner's belongings, including her car, keys, purse, ID, bag, money, wallet, confidential documents and notepads, and multiple phones, which contained damning evidence of police and Defendant Weinstein harassment, stalking, crimes and abuse, and exculpatory evidence for Petitioner, were illegally searched and seized.

Defendant Officers berated and harassed Petitioner, and acknowledged that they were violating her rights and excessively detaining Petitioner.

Defendant Judge Howard T Code presented to the police station hours later for an arraignment, had no interaction with Petitioner except to say hello as he passed, then conferred with Defendant Officers ex parte, in an adjoining room, for over an hour.

Defendant Code denied Petitioner an arraignment and sent Petitioner instead to solitary confinement at the Westchester County Correctional Facility.

Defendant Officers denied Petitioner access to her phone to get a lawyer's phone number, and denied Petitioner a phone call to notify her family or friends she was being transferred to prison. Defendant Officers refused to transfer Petitioner's belongings with her to the prison.

**C. VIOLATIONS AT PRISON** Petitioner was stripped searched, harassed, intimidated, coerced, denied access to a lawyer, denied dietary accommodations, was placed in solitary confinement and on "suicide watch" (thus denying Petitioner access to a book, pencil, paper, bedsheets, and undergarments, and keeping the bright lights on 24 hours a day). Petitioner was in no way suicidal and expressed such to every officer and medical personnel, making it clear such designation was punitive and not "for her safety."

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At the facility, Petitioner told prison officers she could not medically tolerate a mask. Prison guards then denied Petitioner an opportunity to call a lawyer, and Sgt West later charged Petitioner with: disorderly conduct, creating and/or maintaining a fire, health or safety hazard, and disobedience of orders. (A28) Petitioner was denied her right to file a grievance for not being able to contact an attorney, and said grievance requests were returned to Petitioner. (A28)

Petitioner was denied time out of the cell, in violation of state laws, as she could not medically tolerate a mask.

Petitioner attempted to exercise her right to deny consent for medical treatment, testing, or experimentation, but was forced medical visits despite denying consent (to wit, one by Dr. Michal Kunz, psychiatrist, who refused to leave the cell), and was coerced into unwanted medical experimentation, xrays, and medical testing, with the lure of being let out of her cell if she complied.

**D. JANUARY 5 ARRAIGNMENT** Defendant Judge Howard T Code held a virtual arraignment on January 5, 2021, and attempted to assign Petitioner an unethical attorney, Defendant Marie Vitale, who Defendant Code had previously tried to assign and whose "services" Petitioner refused. Petitioner made it known she was competent and capable, wished to remain Pro Se, and asked Ms. Vitale to sit as Second Chair solely for the purposes of having outside legal contact.

At the arraignment Defendant Code remanded Petitioner to prison for seven weeks. Defendant Code then ordered a 730 "competency exam," all during "covid," and while Petitioner's competency, and insight into her case, was self-evident. Plaintiff made note of Code's coercion on record, as Code was forcing Plaintiff into a malicious psychiatric exam, which was heavily coveted by Defendant Weinstein for Weinstein's nefarious control over Petitioner.

Defendant Code also issued an Ex Parte Temporary Order of Protection in favor of Defendant Village Manager Zegarelli, preventing Plaintiff from coming to Village Hall or the Police Station as they were his "place of business" and issued it for longer than one year, through December 2021. (A27)

It was later revealed Defendant Code falsified documents, backdating that an arraignment was held on January 4, 2021 and Petitioner was remanded for a 730 exam at that time, when Petitioner was, in fact, never before Defendant Code. (A27)

Petitioner has been denied any copies of the transcripts from the January 5, 2021 arraignment, or the alleged January 4, 2021 arraignment Code purports, or any Code proceeding for the past year, despite constant requests to release the transcripts to an approved transcriptionist of Petitioner's choosing. (A29)

**E. JANUARY 8 "BAIL" HEARING** Ms. Vitale did not contact Plaintiff while Plaintiff was falsely imprisoned. Plaintiff was able, after three days, to contact a new lawyer, Richard Ferrante, who was recommended by one of the guards. Ms. Vitale was then contacted to terminate all services. Mr. Ferrante was instructed by Petitioner to take the case to an Appellate Court to immediately Vacate the Code orders.

Petitioner remained imprisoned in solitary confinement for five days.

On January 8, 2021, without advanced communication or notice, Judge Anne E. Minihan held a "bail hearing" at Mr. Ferrante's request, in violation of Petitioner's directives, when misdemeanors do not require bail.

During the hearing, Judge Minihan and Mr. Ferrante admonished Petitioner, and the unidentified DA requested Petitioner not be released or "given bail." Minihan demanded Petitioner comply with psychiatric exams or they would "haul her back to prison," reinforced the Zegarelli TOP, and reluctantly ordered Petitioner released on her own recognizance.

Petitioner has been denied a copy of the hearing transcript by Defendants Malone and Code, as Judge Malone claims the transcript is sealed from Petitioner. (A29)

#### **F. JANUARY 8 FALSE IMPRISONMENT**

After the hearing, Petitioner was not released and was placed back in solitary confinement for hours. During that time, Petitioner was visited by a "psychologist," later known to be Jerome Norton, who requested to do an exam to determine if Petitioner was "competent."

Petitioner did not consent to the exam, informed the psychologist she was already technically released, and simply provided clear and convincing evidence to satisfy the requirement of competency, to wit: her name, address, contact, year, location, names and duties of people in the courtroom, charges for which she was held and the accompanying sentencing, then asked for the psychologist to leave.

The psychologist refused to leave and tried to coerce Petitioner, but sensing nefarious intent, Petitioner made it clear she was not consenting to any further discussion or any "examination" in any way.

Petitioner was held for hours longer after the psychologist left. At approximately 9p Petitioner was brought out of her cell and told she was being released. Petitioner was led to a room to get changed, but inside the room were three woman guardsmen who instead shackled Petitioner's hands, waist and feet with heavy chains.

Petitioner was brought to Westchester County Hospital Psychiatric Emergency Room, where two guardsmen tried to have Petitioner seen and falsely admitted. Petitioner made her competency and her medical background known, highlighted the guardsmen's malicious intent, and advocated for her release. Physicians tried to falsify documents, which they then corrected, and Petitioner was immediately released on her own recognizance.

As all of Petitioner's belongings, ID, money, keys, car, purse, and wallet were still illegally confiscated by Defendant Officers, Petitioner was given a taxi voucher to a local friend's home. Defendant Officers willfully seized Petitioner's belongings for four days after Petitioner's release, and seized Petitioner's two cell phones for two months.

**G. DISSIPATION OF ALL MARITAL AND PERSONAL ASSETS DURING FALSE IMPRISONMENT** During Petitioner's false imprisonment from January 4-8, 2021, all of Petitioner's marital and personal accounts, totaling over \$230,000 at Citi Private Bank were closed on or around January 5, 2021 and checks issued directly to the home and attention of Defendant Weinstein, as was confirmed by citi private bank COO Mark Davidson. (30) Mr. Davidson refused to provide front and back copies of the checks issued, refused to put a stop payment on the checks, and refused to have the checks reissued to a local branch. Defendant Officers and the FBI refused to investigate the grand larceny, and Judge Koba (divorce) refused to hold Defendant Weinstein in contempt for dissipation of marital assets, which are still "missing."

**H. APPELLATE COURT FRAUD** In December, 2020, Petitioner submitted five appeals and a 5704 Review for Decisions and Orders from Koba (divorce) and Cacace (writ). (A12, A20) The six motions were filed directly in the NYS Appellate Court, Second Judicial Department via NYSCEF, with notice given in the court of original issuance.

After Petitioner was released from the false imprisonment, it was discovered all of Petitioner's six electronic files were deleted from the Appellate Court NYSCEF system, and Court clerks claimed the electronic files electronic were "missing." (A31).

After weeks of the NYS Supreme Clerk's Office and the Second Judicial Department Clerks Office "locating" and "processing" the missing electronic files which were still present on the Supreme Court NYSCEF filing, a "telephone conference" was eventually held for the 5704 review of the Koba Ex Parte TOP, on or around February 17, 2021, months after filing, in violation of standard procedures that 5704 reviews are conducted expeditiously. (A32)

During the "conference" Petitioner was denied access to the court to be heard in front of a judge, denied an en banc review, and was told the clerk Wendy Stynes would "hear both sides of this case." Stynes abruptly ended the "conference" without hearing from Defendant Weinstein. Petitioner was issued a singular order stamped from Judge Robert J. Miller denying any relief hours later. (A33)

Subsequent 5704 Reviews produced similar results with no access to the court and multiple decisions issued on the same 5704 review, including an "order" from Ms. April Agostino that ex parte TOPs were not entitled to 5704 review, contrary to law. (A33)

#### **I. CODE DENIAL OF DUE PROCESS**

Defendant Code continued to cancel hearings, deny Petitioner access to the court to be heard on the charges stemming from the January 4, 2021 false arrest and imprisonment for "no mask," continued to assign illegal representation Defendant Marie Vitale to the case, continued to deny Petitioner access to her file, and refused to release transcripts unless Petitioner consented only to a transcriptionist chosen by the court. (A15)

**J. CODE "HEARING TO SELF-REPRESENT BASED ON THE 730 EXAMS"** On March 2, 2021 Defendant Court Clerk Zirman emailed Petitioner regarding a hearing on Monday, March 8, 2021 at 3pm, to "address the competency to self-represent based on the 730 exams." (A15)

Petitioner noticed the Code Court that said hearing was improper as Petitioner had been Pro Se for nine months, Petitioner had not participated with any "competency exams," the email was not proper notice, Petitioner could not attend, and Petitioner could not medically tolerate a mask, and masks were required for attendance. Petitioner requested a new court date with proper notice, access to her file, discovery and transcripts. The Code court denied all of Petitioner's proper requests.

**K. 1983 CASE 7-21-CV-01996-CS** On March 8, 2021, at approximately 12:50pm, Petitioner presented to Village Hall to file documents with the Code Court and was denied access, even though posted signs affirmed Village Hall was open for walk in services through 1:30p. Village employees even refused to speak to Petitioner through the locked door, because Petitioner was not wearing a mask outside.

Petitioner then filed, via submission to the temporary Pro Se filing email, a 1983 case 7-21-cv-01996-CS in the US District Courts, SDNY, showing violations of Petitioner's civil rights by the Defendant Officers, Village, DA's, Code Court, and Defendant Weinstein. (A34) Petitioner filed a motion for emergency access to the Court to be heard, and emergency injunctive relief to have a stay on all Code orders until such time the alleged violations were addressed. (A34)

Petitioner was originally given case number 1-21-01996 but this case number was changed after Petitioner spoke openly about the case on social media.

**L. KIDNAPPING BY CODE AND DEFENDANT OFFICERS** On March 9, 2021, Petitioner received an email from Defendant Christine Dennett, with a mandated advanced appointment to come to Village Hall during open walk in hours to pick up documents and discuss the outstanding FOIL requests.

When Petitioner arrived at Village Hall for the appointment, Petitioner was locked out again, then eventually let into the building by Defendant Det Galbraith. As Petitioner ascended the stairs, Defendant Galbraith and Chief Bueti (not shown on video) grabbed Petitioner from behind and kidnapped Petitioner. (A35) The two men chained Petitioner to the wall in the police station. (A35)

**M. DENIAL OF DUE PROCESS, CODE "COMPETENCY" DECLARATION** Defendant Officers stated there was a "bench warrant" for Petitioner's arrest, but no warrant was ever produced or served to Petitioner. Petitioner was denied access to an attorney or any witnesses.

Petitioner was physically forced by Defendant Officer Egan and Salov into a ready courtroom where Defendants Judge Code, DA David Lauscher and Rori Zirman were readily waiting, even though it was a Tuesday and Court was only held on Wednesdays in our village.

Plaintiff made it known to Judge Code she wanted an attorney present and was being denied access to one. Defendant Lauscher told the court he recommended Petitioner be declared "incompetent." Petitioner informed the court she was of sound mind and body, fully competent, and had a right to represent herself Pro Se in her cases, and a right to a full hearing.

Defendant Code made a unilateral declaration of Petitioner as "incompetent" despite all facts and exculpatory evidence, dismissed all charges against Petitioner, and instantly remanded Petitioner to prison.

When asked why she was being remanded to prison with no criminal charges, Defendant Code did not have a legal reason. Petitioner was again chained to the wall in the police station, where Defendant Officers berated her and told her she was getting what she deserved. Petitioner was denied access to a lawyer or her friends or family.

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A concerned friend came to the police station. She was refused access to Petitioner but was able to record Petitioner through a crack in the door being chained to wall. (A35) Defendant Officers reluctantly agreed to allow the friend to take possession of Petitioner's belongings, including Petitioner's two cell phones, which Defendant Officers had illegally seized for over two months, and previously misrepresented were in the possession of the DA's office.

The friend was able to record Petitioner as Defendant Officers were loading her in the car, confirming Petitioner was of sound mind and body, not a threat to herself or others, and Defendant Officers were transferring her to prison. (A35)

Petitioner has been denied any Code Orders, or transcripts, from the March 9, 2021 "hearing" by the Code Court.

**N. TRANSFER TO PRISON ABSENT OF CRIMINAL CHARGES** Petitioner was transferred to Westchester County Correctional Facility in Valhalla, NY where she was processed, stripped searched, harassed and intimidated, and denied access to any of Code's Orders, and denied access to speak to a lawyer. Petitioner was coerced into speaking with a "mental health" social worker, then locked in a holding cell with a phone that allowed for outgoing collect calls.

Petitioner reached the friend who notified her on the recorded call a lawyer would come to the prison to release her. Prison officers then burst into her cell and told Petitioner she was being immediately transferred (coincidentally to one of the "hospitals" in Defendant Weinstein's May 2020 OPG contract), and she could not see her attorney. (A35)

Petitioner's feet, waist, and hands were shackled and she was loaded and left in the back of a van for transfer. Officers informed Petitioner she "was never processed or booked" and no discharge papers were given prior to leaving.

**O. INVOLUNTARILY COMMITTED BY CODE ORDER** Petitioner was transferred to St Vincents Hospital in Harrison, NY. Petitioner was greeted by over five different waiting staff, including Dr. Efobie, NP Mohammed Tayeb, and Dr. Weinstein. It is unclear if Dr. Harlam, Medical Director was present.

Petitioner informed the staff she was of sound mind and body, no threat to herself or others, had insight into her health, and asked to speak to her lawyer, the Medical Director, and the Patient Care advocate.

Petitioner was told by Dr. Efobie she was being involuntarily committed to St Vincents by Judge Howard T Code, had no option but to cooperate, and if Petitioner was "difficult" Dr. Efobie would transfer Petitioner back to prison where Petitioner would "remain for five days then be transferred to a state run mental facility." Dr. Efobie refused to tell Petitioner on which criminal charges she would be held.

Petitioner was denied a copy of any Code Order. Petitioner did not consent to an exam by Dr. Efobie, but Dr. Efobie willfully misrepresented Petitioner on hospital forms as having been examined and "manic," "agitated," "unstable," "very paranoid," "physically aggressive," and "had no insight," contrary to actual video and written evidence that proves otherwise.

Petitioner noted on all forms that she was of sound mind and body and fully competent, and did so daily, but was admitted anyway that day, March 9, 2021, a day after filing the 1983 case, in violation of Mental Hygiene Laws. (A36)

**P. VIOLATION OF HIPPA LAWS, PATIENT RIGHTS** On March 10, 2021 Petitioner filed with Melissa Toothill, the Mental Hygiene Legal Services (MHLS) requesting a hearing within five days, in accordance with NYS Mental Hygiene Laws. Melissa Toothill, who is employed by the courts, refused to submit the letter, and any evidence, affidavits or affirmations on Petitioner's behalf, and no hearing was held until March 19, 2021. (A36)

Petitioner was coerced, harassed, threatened and preyed upon by staff at St. Vincents. Staff, to wit Mr. Mohammed Tayeb, Dr. Alejandra Cattán and Jill Rosenberg, SW, made it known they were in constant contact with Defendant Weinstein, in violation of Petitioner's written and expressed wishes, and of HIPPA laws.

Mr. Tayeb said Petitioner was admitted for "accusing your husband of pedophilia" and causing "distress to people in the community." Dr. Cattán and Ms. Rosenberg made it known Defendant Weinstein was mandating Petitioner's stay, and that Petitioner "would not be leaving for a very, very long time" and would require the care of a "guardian" at the time of discharge. Dr. Cattán told Petitioner the court would force medications, "the law means something," and "your ex-husband is a lawyer, you know how the law goes." (A36)

Petitioner was isolated from outside contact, denied the right to mail letters or file court documents, and told by MHLS this was for "therapeutic" purposes.

**Q. SDNY SEIBEL DENIES ALL ACCESS, BESTOWS "JUDICIAL IMMUNITY," DOCUMENT TAMPERING** Petitioner was able to sneak out hand written letters and motions which were then filed by friends and advocates in Petitioner's 1983 case. Petitioner's physician of eighteen years performed a witnessed televisit and affirmed to the Court that Petitioner was not suicidal or homicidal. (A34)

Documents in the 1983 file were deleted, all motions were ignored. Judge Karas was inexplicably relieved and replaced with Judge Cathy Seibel. Cathy Seibel documented ex parte communications and filings that were not served to Petitioner. (A34)

March 18, 2021 Seibel dismissed all of Petitioner's motions, dismissed Defendant Judges and DAs, and prevented the Case from being served. (A1)

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**R. FORCED RETENTION, MEDICATIONS OVER OBJECTIONS** Petitioner was served papers on March 18, 2021 by hospital administration, motioning for "medications over objection" at the March 19, 2021 hearing, without proper notice, in violation of Petitioner's due process.

Petitioner was denied any access to counsel of her own choosing, or any counsel, at the March 19, 2021 "hearing," and was Pro Se.

Judge Anne E Minihan, the conflicted judge who previously violated Petitioner's rights on January 8, 2021, who was not a regular judge for the Mental Hygiene courts, presided over a virtual hearing, despite Petitioner well-founded advanced objections that any related Judge was conflicted. Judge Minihan overruled the objections without hearing the merits for such.

Dr. Cattin, the doctor petitioning for the forced medications acknowledged, on cross-examination by Petitioner, Cattin had never once examined the Petitioner and the "physicals" submitted to the Court were perjured. Petitioner's primary care physician of 18 years affirmed via letter Petitioner was not suicidal or homicidal. A whistleblower came forward and testified on record of Cattin's abuse of patients and forced medications.

Judge Minihan denied Petitioner's request for release and mandated Petitioner, a 49 year old woman on no medications her whole life, be forced a dangerous, broad spectrum list of medications, including Haldol injections, lithium, Depakote, Zyprexa, Ativan, Benadryl and others. (A36)

Petitioner was released on April 2, 2021 of her own recognizance and immediately notified cigna insurance of the false imprisonment and insurance fraud.

**S. EX POST FACTO ORDER, IMMEDIATE ARREST** Judge Lewis Lubell, Chief Judge for Matrimonial Part, took over the divorce case on April 5, 2021, without any recusal orders on record.

April 16, 2021, Judge Koba, who was no longer on the case, filed an ex parte, ex post facto Order, naked of any accusatory instruments, via NYSCEF which was never served to Petitioner, which included Petitioner's adult son. (A37). Petitioner was arrested within minutes of the NYSCEF order filing, absent of a warrant or exigent circumstances, for alleged violations that occurred when no TOP existed at the time. (A38)

**T. HOUSE FIRE, SPOILIATION OF EVIDENCE** On or around May 11, 2021 Petitioner had a housefire in her home in the middle of the night. All doors were inexplicably locked and fire alarms disabled. Defendant Judge Code is a well-known firefighter in Briarcliff Manor, NY. Upon information and belief, the fire is currently being investigated.

The following day, Petitioner's social media account with thousands of followers was deplatformed without cause and Petitioner's online file storage was broken into and files deleted.

Cathy Seibel denied all requests for preservation of evidence contained in the accounts. (A1)

**U. SECOND CIRCUIT COURT OF APPEALS TAMPERING WITH EVIDENCE AND DENIAL OF DUE PROCESS.** Petitioner filed appeals in the Second Circuit Court. Petitioner was granted Pro Se electronic filing privileges. Evidence of Defendant Weinstein's acknowledgement of pedophilia was deleted from the Second Circuit file. (A2). Petitioner posted publicly about the deletion and impropriety with the assignment of counsel by the Court Clerk, and Petitioner's electronic filing privileges, and ability to contact the court, were revoked in retaliation. (A2)

**V. SDNY DENIAL OF DUE PROCESS, WILLFUL MISREPRESENTATION, 1-21-04543-LTS** On or around May 19, 2021 Petitioner filed a federal case demonstrating the Appellate Court February 2021 fraud. Petitioner filed electronically, via the Temporary Pro Se filing email, in the U.S. District Courts, Southern District of New York. (A39)

Petitioner filed an emergency request for injunctive relief on the Koba and Lubell ex post facto orders, and a separate motion for approval of Pro Se electronic filing so Petitioner could pay for all fees immediately on Pacer, the federal online filing system.

No judge was assigned to the case until June 17, 2021, at which time Chief Judge Laura Taylor Swain was assigned. Chief Judge ignored the motion for electronic filing and requested payment within 30 days. Petitioner immediately replied the same day with a letter explaining the need to pay electronically, and the retaliatory actions of the Defendants which required her immediate attention. The letter was filed, but willfully misrepresented on the docket. Another letter to Swain outlining the dire urgency was submitted for filing on June 18, 2021, and said letter was confirmed to be received by the court, but not filed. Swain denied Petitioner access to file and pay electronically. (A39)

#### **W. ARTICLE 81 FILED BY DEFENDANTS**

Defendant Weinstein and Dina Kaplan, a conflicted lawyer who is also a defendant in case 1-21-04543-LTS, filed an Article 81 Proceeding against Petitioner, requesting full legal, medical, financial, social control over Petitioner, the ability to place Petitioner in a long term care facility and force her unneeded medication, access to all of Petitioner's confidential documents, the ability to assign Petitioner a lawyer in cases she is Pro Se, and to be paid, out of Petitioner's assets, for the guardianship services. (A40)

Judge Janet Malone ignored evidence of malicious intent and conflict and ordered Defendant Weinstein, Petitioner's domestic violence abuser and stalker, serve Petitioner at her confidential whereabouts. Malone appointed illegal representation, Anne Penachio, to Petitioner, and denied Petitioner access to her own money to hire an attorney of Petitioner's own choosing. Ms. Penachio accepted the case against Petitioner's clear directives and took positions against Petitioner in court.

Defendants Weinstein's and Kaplan's experts for the hearing on Petitioner's "competency" are Defendant Bueti, Defendant Zirman, and Dr. Kunz and Mr. Norton, the "competency evaluators" from the prison with whom Petitioner refused to meet.

Petitioner has provided the Malone court copious, undeniable evidence of Petitioner's competency, yet Malone continues to proceed with the case.

Malone has denied Petitioner discovery, denied Petitioner witnesses or court advocates to attend any hearings, denied Petitioner access to transcripts, denied Petitioner access to the court virtually, and held a conference without all parties present where she advanced Defendant Weinstein and Kaplan's requests of the court.

Malone had a tactical admission of the court's lack of jurisdiction on record, yet refused to dismiss the case sua sponte.

Malone scheduled another hearing Wednesday, June 30, 2021.

#### **X. DEFENDANTS WITHHOLDING COURT DOCUMENTS**

Defendant Weinstein has been withholding all of Petitioner's mail, including vital court documents, for over a year. Defendant Weinstein will arbitrarily and capriciously sometimes give Petitioner her mail after the case or filing deadlines have passed, as was the case with 1767/2020 and filings by Attorney General DeRosa and Judge Katz.

Katz and DeRosa, for their part, were mailing documents to Petitioner's home while Katz was knowingly and actively preventing Petitioner from getting Petitioner's mail.

Defendant Weinstein and Dina Kaplan are currently preventing Petitioner access to court documents from opposing counsel Silverman and Chen. Petitioner requested Silverman & Chen file all that were mailed to Defendant Weinstein's location

Defendant Weinstein filed a duplicative divorce proceeding in the Westchester Supreme Court, 57121-2021, on May 24, 2021, the day of his bogus filing for Guardianship. Defendant Weinstein has not served Petitioner the filings, summons, or motions, providing evidence of gross impropriety, but references the new divorce case in his Article 81 filing, which is how Petitioner first became informed about the filing.

Defendant Weinstein also references a case *American Express National Bank v. Elizabeth Weinstein*, 52851/2021. Petitioner has not been served this case and has no knowledge of it, except that Defendant also references this case in his Article 81 filing. These facts provide further evidence of Defendant Weinstein tampering with Petitioner's mail and legal documents, severe financial abuse, and the irreparable legal harm Defendant Weinstein's domestic violence is having on Petitioner's life.

## REASONS FOR GRANTING THE WRIT

### I. Supreme Court Rule 11

While parties are not standardly entitled to treat the Supreme Court of the United States as a court of first review, exception is given when "the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court." (REHNQUIST, J.) Sup. Ct. R. 11.

The pervasive gross violations and denial of constitutional rights, file tampering, and impropriety of the lower courts forced Petitioner to the Supreme Court for the extraordinary relief of writ of certiorari before judgement. Certainly, this is a clear example of why such a writ exists.

### II. Judicial Tyranny and Mask Restrictions at War with Constitution

The urgency here is obvious: the issue of judicial tyranny and mask restrictions are ubiquitous across our country and are at war with our constitution. This court's jurisdiction is invoked not to resolve a lower court dispute, but to firmly decide on the constitutionality of ubiquitous practices pervasive throughout our federal courts.

### III. Desecration of All Individual's Rights

It is not the rights of *one* individual that is in question in this case, but the rights of *all* individuals.

Every one of Petitioner's rights is being violated our government, while denying due process. Petitioner's rights to liberty, to the care and custody of Petitioner's children, to my property, to all of my finances, to bear arms, to be free from retaliation from my government, to be free from cruel and unusual punishment, to free speech, to medical freedom, and to Petitioner's mail has been denied to Petitioner for a solid year, all while Petitioner is denied access to the Court to be heard, or any due process at all.

Petitioner is being hunted and punished by our government, specifically our judiciary, for standing up for Petitioner's inalienable rights and the safety of my children, for exposing pedophilia, and exposing the defrauding of our citizens during this time of "Covid."

There is no legal, plausible deniability for the government's actions, although Defendants may try some desperate smoke screen, slight of hand, or legal sophistry to hide the facts of this case.

This is a case of judicial tyranny, and the national impact of this case to each citizen extends far beyond the particular facts and parties involved.

The horrific nature of my case is also clear: my case is not unique. The tyranny over United States citizens is evident in every state, and has hit a fever pitch since "covid" began. We The People have been watching closely as tyrannical Executive and Judicial Orders are being issued and enforced, orders which are clearly unconstitutional.

Individuals seeking relief must do so through the very same agents desecrating individual rights. One needs only to look at the Supreme Court's own Pro Se restrictions to understand the very subtle yet clear "separate but lesser" rights of the individual being propagated in our judicial system, starting from the top. In analysis of these restrictions, I remind this Court that which I can not do in my person I can not do through the agency of another.

We The People have watched as the Roberts Court stood divided, yet eventually sided with the constitution in *Archdiocese v. Cuomo*. While the outcome was favorable, it was horrific to see the highest court in the land so divided on clear denial of We The People's constitutional rights.

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#### **IV. Urgency Warranting this Court's Immediate Intervention**

In addition to the willful deprivation of rights, the timing in this case is crucial. I am being subjected to a witchhunt Article 81 proceeding, farcically sought by Defendants in my case.

Defendants virtue signal to Judge Malone, shamelessly alleging that my advocacy against judicial tyranny, for my rights to due process, and to be free from medical harm do not "show regard for the authority of the Courts or the consequences of (my) behavior towards the Courts." All attempts to have the lawfulness of such a proceeding assessed have fallen on deaf judicial ears, including those of Laura Taylor Swain, Chief Judge of the Southern District of New York.

Power corrupts. Absolute power corrupts absolutely.

One only has to look to the International Family Court Reform or "Free Britney" worldwide movements, and the release of Bill Cosby to see how the timing of this case aligns with international outcry about the court's lawfulness. Millions around the globe are waking up to a horrific truth: our judges traffic humans to abusers, in plain view, without accountability, and protect predators. Citizens, both adults and children, are being hunted by their government, with no relief in sight from the irreparable harm by state actors.

Time is of the essence. Human trafficking, mask mandates and covid restrictions are choking the individual freedoms our creator bestows and our constitution acknowledges. I, and every citizen, have a right to due process to assess the lawfulness of these draconian, retaliatory restrictions on my rights and the rights of my children.

What right does another citizen, whose salary I pay, have to traffic me? Why should insurance companies or states be billed for false imprisonments by our judiciary? Why should citizen's taxes and insurance rates rise because of unchecked power in the judiciary? The Thirteenth Amendment abolishes all slavery and involuntary servitude where one is under the control of someone and there is monetary gain by the owner. Aren't these "conservatorships" and false imprisonments a form of slavery?

I was excluded from my eldest son's high school graduation and only prom, my youngest son's middle school graduation, and my only daughter's Sweet Sixteen and first prom, all because of these tyrannical orders, all while being denied due process in all courts. I will never get these moments back again. To suggest the court has caused my children and me "irreparable harm" is an understatement.

#### **V. Case Law and Legal Sophistry Replacing Constitutional Law**

My husband is a brilliant sophist, a Yale Law man, and his case law precedence and legal sophistry is commonly replacing constitutional law in our courtrooms, stripping fellow Americans of their: protections from financial ruin, as was the case in his defense of the Wilpons during the Madoff scandal; homes, as was the case in his defense of Morgan Stanley in the mortgaged backed securities crisis; their children, as is the case now as he is propagating "arrest and incarceration" for parents who protect their children from pedophiles. This practice is not solely his work, as he is only following suit of the charlatans who came before him. Surely if a mother of three can see how case law is mutilating our constitution, and deforming the intent of our laws, this must have come to the attention of the Supreme Court Justices. The American people have the right to know: which is the basis of our nation's laws: law firms, or the constitution?

#### **VI. Pedophilia Hidden by the Judiciary**

We The People have watched as the repugnant practice of pedophilia percolate to, then remained at the surface of our society. While a few individuals have been punished as a public sacrifice for their involvement with pedophilia, our local, State, Federal and Appellate courts continue to uniformly hide and protect the practice.

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To date, every single court, and fifteen different local, state, federal and federal appellate judges, including, most recently, the Judicial Council for the Second Circuit Court of Appeals, have hid Brian Stryker Weinstein's acknowledgement of his pedophilia and agreement to stay away from children, which I include in the body below for judicial notice. Will the Roberts Court do the same?

MAY, 2020 TEXT EXCHANGE WITH ELIZABETH  
HARDING WEINSTEIN (IN BLUE) AND BRIAN STRYKER  
WEINSTEIN (IN GREY) AFFIRMING BRIAN'S ISSUE  
WITH PEDOPHILIA AND AGREEING TO STAY AWAY  
FROM CHILDREN

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Yes I married you for your goodness and strength, and yes I want the indoctrination of pedophilia to stop

And do you acknowledge my concern that it would be inappropriate to have you stay around children when you have been indoctrinated to pedophilia?

Brian? You can just answer yes or no

Yes

Thank you Brian. That is brave of you. You are showing me your goodness.

I can get you a room at the Sheraton Tarrytown. Can I do that for you?

Yes



**Brian >**

Ques: योनि-प्रसव-विधि कैसी है?

**If it is your intent to make this**



**Brian >**

**Yes**

**Yes**

Will the Roberts Court hear a case of an outspoken advocate being tortured by the judiciary and denied access to State, Federal and Appellate Courts, while being deprived of my sweet children, my home, my finances, my belongings, my mail, my right to bear arms, my right to free speech, my right to medical freedom, all for a year, all without due process, simply because I am speaking out against Covid, pedophilia, judicial tyranny, and police corruption?

I have never been found guilty of any crime, and never been given any opportunity to be heard on any of the bogus charges levied against me. I have been kidnapped. I have been poisoned. I am a multi-millionaire who has been left homeless and all my belongings and finances stolen for a year. Please do *not* believe me: please examine the evidence for yourself.

My social media accounts with thousands of followers were deplatformed, multiple times, without cause, and my cloud file storage was broken into and compromised. Judges and police, aware of the spoliation of evidence, denied me any relief or protections.

My first rental home in an entire year had a suspicious "house fire" in the middle of the night, while the fire alarms were mysteriously dismantled, and all the doors inexplicably locked. The Defendant Judge in this case is a firefighter. What are the chances?

This is a case of critical import as it challenges some fundamental issues of pervasive judicial practice, restrictions on individual freedoms, the judicial trafficking of our children and adults, and denial of justice throughout our country. These issues are at war with our Constitution. If We The People have no recourse, we are not free, we are under tyrannical rule.

Just like my competency, the need for writ of certiorari is self-evident.

## CONCLUSION

We are living in a time of judicial tyranny, waging a war on our inalienable rights, a war on our Constitution, and a war on our children. *Res ipsa loquitur*.

The individual's rights are being desecrated, while the individual's abilities to seek relief is concurrently restricted.

The Supreme Court Justices of the United States are beneficiaries of, and enforce, the inalienable rights and liberties of the people through the defense of the Constitution, against all enemies domestic and foreign. When the enemy of the Constitution is the judicial system itself, the Supreme Court must act swiftly and surgically, as per the duty enjoined upon the United States Supreme Court, by oath and by law.

**If no action is taken by the United States Supreme Court to end the judicial war on our Constitution and We The People, what option does this Court leave We The People?**

The Court should grant this petition for an extraordinary writ of certiorari before judgment to hear this case, end judicial tyranny, protect our children, and defend the rights of We The People.

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Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'E. H. Weinstein'.

Elizabeth Harding Weinstein,  
Currently homeless by  
the Courts, Permanent  
Home Address:

180 River Road  
Briarcliff Manor, NY  
10510

Please direct all  
communications to:  
(646)-261-7685

[lizharding1@mac.com](mailto:lizharding1@mac.com)

Plaintiff, Pro Se

July 2, 2021