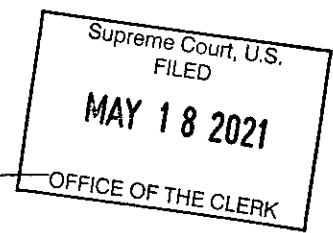


No. 21-42



SUPREME COURT OF THE UNITED STATES

[Sylvia Black,

[Petitioner,

Vs.

[Peace Officer Christine Vitello, Peace Officer Rick Rosenberry,
Peace Officer Bill Heine, of the SPCA, WNY, SPCA of Western
New York

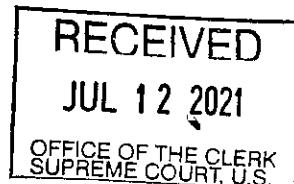
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PETITION FOR A WRIT OF CERTIORARI

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I. Question Presented

Where Peace Officers violated Plaintiff's Fourth Amendment Rights by Forging Judge Hannah's Signature on a Warrant that allowed Erie County Offices to Enter Plaintiff's premises. Defendants, place of business was in Niagara County at the time of the break in.

Peace Officers did not have a basis for their entry, they possess no signed application by a Magistrate Judge prior to illegally breaking into Plaintiff's home and confiscating her cats.

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IV. Petition of Writ of Certiorari

The Court has jurisdiction over this subject matter to exercise a judgment in this matter on behalf of Sylvia Black, Plaintiff - Appellant. Legal Service on Alan Donatelli, Attorney for Defendant - Appellee was just and proper. The district court did have the authority to administer justice, in its proper perspective but did not.

Instead, the court decided in favor of the Peace Officer Christine Vitello, Defendants Appellees thereby failing to uphold the integrity and independence of the Judiciary system on the basis of alleged improper service and nothing more.

Alan Donatelli, Attorney for Defendant - Appellee never asked for a dismissal based on alleged improper service. Instead, the Court acted as Attorney and Judge which is unfair practice.

The Judge did not follow the law and made rulings and decided this case according to that judge's own personal, political, or religious views. The Judge was not fair nor

impartial, and Sylvia Black, Plaintiff - Appellant was denied my fundamental constitutional right to due process of law.¹

It is vitally important in a democracy that the Judge and the judiciary as a whole are impartial and independent of all external pressures and of each other so that those when Sylvia Black, Appellant who appeared before them can have confidence that my case will be decided fairly and in accordance with the law.²³ Sylvia Black's case was not decided on fairly nor was it decided in accordance with the law. If Sylvia Black took the criminal case to trial, no telling what heinous acts would have been committed against me.

If Peace Officer Christine Vitello broke many laws about searching and seizing Plaintiff's property, not telling what crimes would have been committed if I try to win a trial on the criminal portion of the case.

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The only defense on the part of the Alan Donatelli, Attorney for Defendant - Appellee was their accusations of alleged improper service. In terms of the heinous crimes committed against Plaintiff, Alan Donatelli, Attorney for Defendant - Appellee has no defense. Defendant also failed to provide discovery items as requested by Plaintiff Sylvia Black which is an illegal.

NYS promulgates rules laying out the exact grounds for a challenge of a judge for cause. The Judge also has the responsibility to take affirmative action to remove the appearance of impropriety or biased which in this case the court failed to do.⁴Sylvia Black, Plaintiff - Appellant did serve papers just and properly to Attorney for Peace Officer Christine Vitello, Defendant Appellee.

Case Law also states that when a judge acts as a trespasser of the law, he then loses subject matter jurisdiction and the Judges orders to dismiss are void, of no legal force.⁵

Judge Foshio should have enough respect to comply with the law and should have always acted in a manner that promotes

public confidence in the integrity and impartiality of the judiciary. He did not!

This violation of the Code should lead to disciplinary action and the degree of discipline, should be determined through a reasonable application of the text, and should depend on such factors as the seriousness of the improper activity, the intent of the judge, whether there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system.⁶

Judge Foshio should have performed the duties of the office fairly, impartially, and diligently which none of the Judges did who presided over the original claim filed in 2017. He did not!

The duties of judicial office take precedence over all other activities. The judge should have performed those duties with respect for others and should not have engaged in behavior that was harassing, abusive, prejudiced, or biased, but he did.

The judge should have adhered to adjudicative responsibilities. He did not. Gross misconduct occurred when Judge Sinatra dismissed the case based on alleged improper

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service when the Alan Donatelli Attorney for Defendant Appellee did not ask for a dismissal based on improper service.

Gross misconduct occurred when the Judge denied Sylvia Black, Plaintiff - Appellant the right to a hearing, and when Judge did not compel Alan Donatelli, Attorney for Defendant - Appellee to produce discovery and not to mention the forging of Judge Hannah's signature on a fake warrant.

Peace Officer Christine Vitello did not have jurisdiction to enter Plaintiff's home because even based on the fake warrant which stated officials from Erie County were to take the action. Instead, Peace Officer Christine Vitello illegally trespassed on Sylvia Black's property, illegally confiscated Sylvia Black's property, and said that Plaintiff is to pay Defendant *Ten Thousand Dollars* for the care of Plaintiffs animals while Sylvia Black's cats were in Defendant's care. Defendant had no legal right to possession of Plaintiffs cats. And Peace Officer Christine Vitello had no right to the animal cruelty she exhibited when she euthanized Sylvia Black's cats and distributed, sold, adopted out the rest of the cats at her own discretion without just cause or legal right. *In the Appeals Court of US Southern District, The Court ordered a verbal argument of their own volition not at the request of the Plaintiff. The Oral Argument was the basis of the US District Court's denial (see attached).*

V. Options Below

POINT I - THE COURT ERRED BY NOT HOLDING THE DEFENDANT-PEACE OFFICER CHRISTINE VITELLO ACCOUNTABLE FOR HIS NON-COMPLIANCE OF THE LAW, FIRST WHEN SYLVIA BLACK, PLAINTIFF - APPELLANT REQUESTED A CERTIN BILL OF PARTICULARS FROM PEACE OFFICER CHRISTINE VITELLO AND PEACE OFFICER CHRISTINE VITELLO DID NOT PROVIDE SAME,⁷

Alan Donatelli, Attorney for Defendant - Appellee did not respond to Sylvia Black's request for discovery. Sylvia Black made several requests to the Court for Alan Donatelli, Attorney for Defendant - Appellee to provide discovery items and no response was sent to Sylvia Black until the Court answered in their *Report and Recommendation* saying my request was to establish my innocence in the criminal proceedings against me.

The court erred when they did nothing to enforce the law on Sylvia Black's behalf. For whatever reason Sylvia Black requested discovery, the *law* requires Alan Donatelli, Attorney for Defendant - Appellee to provide them. Alan Donatelli's non-

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compliance was a violation of law and of Sylvia Black's legal rights to discovery and the court failed to penalize Attorney Alan Donatelli's Attorney for Defendant Appellee for their non-compliance with the law.

Sylvia Black, Plaintiff - Appellant should have had the opportunity to submit a motion for an order "compelling" (forcing) discovery under Rule 37(a)(3)(B).

POINT II - THE COURT ERRED BY ACCUSING APPELLE OF BEING ARRESTED AND THE COURT'S DECISION TO DISMISS WAS BASED IN PART ON THIS ERROR.

A. Fingerprints were taken of Sylvia Black, Plaintiff - Appellant ten months after the criminal case commenced.

POINT III - THE COURT ERRED BY ACCUSING SYLVIA BLACK, PLAINTIFF - APPELLANT OF IMPROPER SERVICE WHEN NO DOCUMENTATION WAS PROVIDED TO SUBSTANTIATE THESE ALLEGATIONS AND SYLVIA BLACK'S SERVICE WAS JUST AND PROPER.

A. Alan Donatelli, Attorney for Defendant Appellee at the time of service were in the process of relocating to their

52,000 sq. ft., facility in Erie County from Niagara County.

POINT IV - THE COURT ERRED WHEN QUOTING THE DEFENDANT AS SAYING ANIMALS WERE FOUND IN DEPLORABLE CONDITIONS WHEN ALAN DONATELLI, ATTORNEY FOR DEFENDANT - APPELLEE SAID NO SUCH THING.

A. This statement is biased and argumentative. The Judge has no personal knowledge as to whether the animals were found in deplorable condition. The judge was not there when animals were taken from Sylvia Black's home.

POINT V - THE COURT ERRED BY DENYING APPELLANT'S LEGAL REQUEST FOR A HEARING STATING IN THEIR *REPORT AND RECOMMENDATION*, "AN ORAL ARGUMENT WAS DEEMED UNNECESSARY".⁸

Oral argument must be allowed in every case. Sylvia Black, Plaintiff - Appellant has a legal right to a hearing and my legal rights were once again denied by the court unjustly. The

case was dismissed without allowing me, my legal rights to argue this case orally.

POINT VI - THE COURT ERRED WHEN THEY FAILED TO ISSUE A SUMMONS WITH THE INDEX NUMBER ON IT TO SYLVIA BLACK, PLAINTIFF - APPELLANT.

The Court dismissed the case in part based on alleged no summons, no index number on documents when the papers were initially served and filed with the court.

CONCLUSION - ⁹Sylvia Black, Plaintiff - Appellant has proven the Judges who presided over the federal case, acted bias, and my statements are not based on mere suspicion but fact. They are based on evidentiary evidence. I have included the face, forged warrant in my initial complaint. The other documents include the notarized statement of the examination of plaintiff's cats which do not establish animal cruelty.

The judge(s) should have been disqualified from deciding on this case because the judge's impartiality is being reasonably questioned. That is why I believe the court changed judges so it

wouldn't look like the decision to dismiss wasn't made by the same judge who was impartial.

There was no equal justice for Sylvia Black, Plaintiff - Appellant in this case, because the judge displayed racial and ethnic bias. There is no place in the courts or anywhere for this injustice. Judge Foschio exhibited such bias and eliminated equal justice.

Judge Foschio exhibited among other behaviorisms; plaintiff had no protection of her rights. He acted in way that displayed discriminatory, exclusionary, or otherwise unfair acts on plaintiff, in his decision to dismiss that case with his only defense being an alleged improper service. Judge Foschio overrode the attorney and acted as the defendant and the Judge. Plaintiff has a right to life, liberty, a fairness by ensuring that I am not deprived of my interests.

Not only were my 4th amendment rights violated, but my constitutional rights were violated by the court. This statute allows Sylvia Black, Plaintiff - Appellant whose constitutional rights have been violated to sue the responsible public official or governmental body for money damages.

To enforce Sylvia Black's, constitutional legal rights without a remedy is no right at all. I must have a proper way of enforcing her constitutional rights against the courts and the Defendants and their attorneys.

I should also be able to assert her legal constitutional rights, by being granted a money judgment.

The following issues are presented by this Appeal: Did the court below err by ignoring Sylvia Black's request for Discovery and did not reprimand or compel Alan Donatelli, Attorney for Defendant - Appellee to produce such Bill of Particulars? Yes.

Did the court below err by not acknowledging that Alan Donatelli, Attorney for Defendant - Appellee warrant was illegal? Yes.

Did the court below err by dismissing Sylvia Black's case with prejudice solely based on alleged improper service when in fact service was just and proper and the court has no proof to justify their allegations of alleged improper service? Yes.

Did the court below err by saying Appellant failed to effect proper service when Alan Donatelli, Attorney for Defendant - Appellee never said such a thing. Yes!

Did the court below err by ignoring Attorney for Peace Officer Christine Vitello, Defendant Appellee's threats to Sylvia Black, Plaintiff - Appellant?¹⁰Yes.

Did the court below err by accusing Sylvia Black of being arrested? Yes.

Did the court below err by not allowing Sylvia Black her legal right to a fair trial or hearing? Yes.

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VI. VII. Jurisdiction

Point I

The Court erred by exercising abuse of discretion over the objection of the Sylvia Black.

This abuse of discretion occurred when the court acted in "an arbitrary and irrational manner."¹¹ This Court will also find that a district court abused its discretion "when (1) its decision rested on an error of law (such as application of the wrong legal principle) or a clearly erroneous factual finding, or (2) its decision—though not necessarily the product of a legal error or a clearly erroneous factual finding—cannot be located within the range of permissible decisions, i.e., alleged improper service."¹²

While this Circuit has adopted an "inclusionary" approach to other act evidence under Rule 404(b), ¹³(*per curiam*), the Court has repeatedly ignored Sylvia Black's statements and

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requests, thereby denying the legal right of Sylvia Black, is so entitled by law.

The Supreme Court laid out the inquiry to be followed for reviewing)¹⁴ (discussing adoption of Huddleston test). Under Huddleston, "to determine whether a district court properly admitted other act evidence, the reviewing court considers whether (1) it was offered for a proper purpose; (2) it was relevant to a material issue in dispute; (3) its probative value is substantially outweighed by its prejudicial effect; and (4) the trial court gave an appropriate limiting instruction to the jury if so, requested by the defendant."¹⁵

As you can see here, Alan Donatelli, Attorney for Defendant - Appellee did not request a dismissal based on alleged improper service. Peace Officer Christine Vitello stated that the court does not have jurisdiction due to alleged improper service.

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This heinous acts on the part of the Peace Officer Christine Vitello are another case of Police Brutality. Christine Vitello, et. al., Peace Officers and the other peace officers who entered plaintiff's home, carry guns with real bullets in them and these police officers abused her power by breaking the law. I never invited them into my home when I answered the door they just barged in and began to open bedroom doors and search my home without my permission even after I kept telling them to get out and calling the cops.

They were in my house illegally, opening bedroom doors, draws walking all through the house, Sylvia Black, Plaintiff - Appellant should have had a right to forcibly remove Peace Officer Christine Vitello and could have. It took everything Sylvia Black, had to remain calm and only yell back at them and not retreat. Peace Officer Christine Vitello did not leave until plaintiff's boyfriend came home. Who knows what would have happened if he did not show up? Peace Officer Christine Vitello took the law into her own hands and no one is above the law. Not even a Peace Officer who carries a gun.

The court took sides with Peace Officer Christine Vitello by dismissing my case with prejudice because Judge Foschio said service on Peace Officer Christine Vitello was not proper. That is their only defense.

Three different judges were assigned to this case and all of them said the same thing. What about the wrong they have done? Do two wrongs make a right?

The Peace Officer Christine Vitello also broke the law by not providing discovery items as requested. The Judge did not allow Sylvia Black, Plaintiff - Appellant to have a hearing because the judge decided hearing was not necessary, thereby denying me my legal rights to a hearing.

Where is the justice in this legal system? Sylvia Black, Plaintiff - Appellant gets convicted of criminal charges for animal abuse which was not proven but the Peace Officer Christine Vitello who did commit a crime and it was proven they committed a crime as well as the judge and the lawyer get to escape justice and break the law without the consequence or reprimand? What kind of justice system convicts the innocent without a trial and lets the guilty go free?

The emotional scars Peace Officer Christine Vitello gave Sylvia Black, Plaintiff - Appellant may never heal because of the laws that Peace Officer Christine Vitello broke and the hell Peace Officer Christine Vitello has caused me. Reliving the moments of Peace Officer Christine Vitello, Defendant Appellee's actions by documenting them in this Brief, are just as

painful for me now as it was when the above incidents originally occurred.

This information and proof that Peace Officer Christine Vitello broke several laws and precedents is presented before you as *evidentiary evidence*, in the original complaint.

As an American and a Citizen of the USA, Sylvia Black, Plaintiff - Appellant prides herself on her Constitution. In truth, the Constitution of the U.S.A. is the heart of our democracy and freedom. I have been put in several situations by Alan Donatelli, Attorney for Defendant - Appellee where my Constitutional Rights have been violated since the onset of this case.

Sylvia Black, Plaintiff - Appellant would like to remedy those violations by winning this case and having a money judgment rendered for me of \$3.5M or some other reasonable sum that the court seems just and proper. \

Point II

Alan Donatelli, Attorney for Defendant - Appellee have little or no respect the justice system. The defendant has little or no respect for the justice system. And obviously Judge Foschio has little or no respect for the Justice system. It has been proven

that these three sets of individuals have broken the law. Why should they be allowed to get away with breaking the law?!?

Rule 8.4 Misconduct - Lawyers are subject to the same discipline as judges and civilians are when they violate or attempt to violate the Rules of Professional Conduct. Many kinds of illegal conduct reflect adversely on fitness to practice law, such as the offense of willful failure to provide discovery as in this case where Peace Officer Christine Vitello failed to provide discovery.

When a *lawyer* breaks the law, they're supposed to be cited or arrested just like anyone else, there's no exception to this rule. Just like when a *Judge* breaks the law and just like when a *Peace Officer* breaks the law. They are all supposed to be cited and arrested just like anyone else.

Peace Officer Christine Vitello must adhere to the standards of professional conduct that exist in this state where they practice. Every state has a disciplinary system under which lawyers can be punished for violating ethical standards. Some acts of prosecutorial misconduct can constitute ethical violations and thus subject the prosecutor to disciplinary action by the state bar authority. I have a right to file a complaint at the bar disciplinary authority.

VII. Constitution Provisions INvolved

Background

In February 2017 Sylvia Black, Plaintiff - Appellant took a cat to surrender to the SPCA and Christine Vitello asked if she could speak to me.

I asked Peace Officer Christine Vitello if there was anything wrong. Peace Officer Christine Vitello failed to answer my questions and proceeded to interrogate me.

Peace Officer Christine Vitello asked Sylvia Black, Plaintiff - Appellant if I wanted to surrender my 14-year-old cat to SPCA and they would Neuter him.” I asked Peace Officer Christine Vitello “if they were going to do the blood tests to determine if he would survive the Anesthesia?” Peace Officer Christine Vitello yelled *we don't' have time to do all of that!* I said, “*No thank you.*”

Peace Officer Christine Vitello began asking Sylvia Black, Plaintiff - Appellant personal questions like where I worked, what my phone number was and where did I live. I gave Peace Officer Christine Vitello my address and phone number but did not give her anything else. I asked if I could surrender a few

cats to SPCA and Peace Officer Christine Vitello said “*that’s not what we’re here for*

I left and almost immediately after I arrived home, Peace Officer Christine Vitello called me. She followed me home. I asked her “*what she wanted?*” She said, “*she wanted to come to my house.*” I said what for. She said *to see if I had any sick cats to surrender.* I said *I do not.* They came anyway.

Peace Officer Christine Vitello knocked on my door that afternoon, I opened my door and said who is it and can I help you and Christine Vitello and Rick Rosenberry barged into my home, literally pushing me out of the way.

They inspected my house illegally and yelled at me. I told Peace Officer Christine Vitello, to get out. Peace Officer Christine Vitello did not get out continued to walk through my home. My boyfriend came home and that is when they got out.

Peace Officer Christine Vitello called me several more times that evening. The next day Peace Officer Christine Vitello called me at least 10 times. What do you want I asked her?

“*You were supposed to give us four cats*”. Peace Officer Christine Vitello continued to harass Sylvia Black, “*you said you*

were going to give us four cats," Peace Officer Christine Vitello demanded.

"No, I didn't", I said. *"We're coming over this afternoon to get the four cats".* Rick Rosenberry demanded. I asked him if they were going to leave me alone after that? He did not answer.

I put four cats in the cages Peace Officer Christine Vitello left, and Peace Officer Christine Vitello took the four cats and left. Not before marching through my home and opening more bedroom doors without my permission. Christine Vitello distracted me while Rick Rosenberry opened doors and searched all through the house in the other direction.

Peace Officer Christine Vitello saw one cat, I guess that is why they didn't take any cats right then and there. Peace Officer Christine Vitello asked me how many cats I had. I said 12.

They kept calling me and harassing me and making demands and I finally said I am not letting you back in my house unless you have a warrant. She said we are coming back to your house at 10 in the morning. I said not without a warrant.

At 9am I left my house and parked around the corner with my friend in the truck with me and watched Rick Rosenberry,

Christine Vitello and Bill Heine kick my door in and steal my cats out of my home.

Defendants had already harassed me, humiliated me, and made illegal demands on me without just cause. Just because they are peace officers does not give them the right to trespass and steal? No, it does not.

But the Peace officer did violate my fourth amendment rights, the peace officers did forge Judge Hannah's signature on a legal document, Peace officers did not have jurisdiction to enter Plaintiff's home as the Defendant were in Niagara County and the Illegal Warrant gave Erie County Officials permission.

Peace Officer Christine Vitello should have been fired or should be fired since it is established that she forged Judge Hannah's signature on a fake warrant! Defendant admitted out of her own mouth that that scribble-scrabble on the warrant was Judge Hannah's signature. And even if it was Judge Hannah's legitimate signature, the signature on the fake warrant and the signature on the other document that the judge was supposed to sign do not match. Defendant would have been better off to break and enter with no warrant at all, rather than to forge a Judge's signature on a piece of paper in which she had no jurisdiction in the first place.

After defendant left plaintiff's home, plaintiff went home and saw the fake warrant taped to the inner door not the outside door. Next thing I know Christine Vitello is calling me again, repeatedly. Leave me alone I said. What do you want now?

Peace Officer Christine Vitello said she must serve me with some papers. *"What papers"*, I asked. *Court papers* she said. *Court papers*, I asked. *What court papers?* She said we are at your home. I said *I am not there. Haven't you bothered me enough*, I asked her? *We must serve you with the arraignment papers.* She demanded I had no idea what was going on.

I agreed to meet her outside of Burger King on Broadway and Fillmore in the presence of my entourage of friends as witnesses surrounding me. Peace Officer Christine Vitello gave me some papers.

When Sylvia Black, Plaintiff - Appellant came home from court that first day, my neighbor told me those same people from the SPCA came back and got into my house. I secured my home by locking all inner doors the only door they could get into was the outside door that led to the hallway not into my home. I did not bother to call the cops.

The same four cats Sylvia Black surrendered to Peace Officer Christine Vitello are the same cats that were used against Sylvia Black in the criminal proceeding to convict me. Clearly a case of entrapment.

Pre-Trial Motion -

There was no pre-trial hearing.

Trial

There was no trial hearing.

The Sentencing

Sylvia Black, Plaintiff - Appellant requested a dismissal of the criminal charges. When I got to court and was given papers by my legal aid, the month, day, and year of my birthday was incorrect. The reason I plead guilty in criminal court is because I am not familiar with criminal law. I felt as if Peace Officer Christine Vitello was trying to crucify me.

I sent a letter to Peace Officer Christine Vitello in December 2019 reminding them that the criminal case had been dismissed so no further illegal action would be taken against me.

VIII. Statement of Case

The reasons why the appeal should be allowed, and a judgment granted on Plaintiff's behalf, in the form of a money judgment is because, of the following.

1. Plaintiff's Fourth Amendment Rights Were Violated

Sylvia Blacks Fourth Amendment rights (Amendment IV) to the US Constitution is part of the Bill of Rights and prohibits unreasonable searches and seizures. Defendant – Appellant did illegally and unreasonable search and seize Plaintiff's property without a legitimate warrant.

Defendant Appellee illegally searched my home and illegally seized Sylvia Black's property out of my home, cats.

In addition, the 4th Amendment (Amendment IV) to the US Constitution sets requirements for issuing warrants: warrants must be issued by a Judge or magistrate, justified by probable cause, supported by oath or affirmation, and must particularly describe the place to be searched nor the things to be seized.¹⁶

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Defendant's fake warrant did not have an affirmation by a magistrate Judge and did not establish probably cause.

Appellee's illegal Warrant was not issued by a judge or magistrate and was not justified by probable cause, was not supported by oath nor Affirmation, and did not accurately describe the place, things or persons to be searched or seized. The fake warrant mentioned, birds, dogs, and other animals. I only had cats.

The exclusionary rule is one way the amendment is enforced. Established in this rule ¹⁷holds that evidence obtained as a result of a 4th Amendment violation is generally inadmissible at criminal trials. Evidence discovered as a later result of an illegal search may also be inadmissible as "*fruit of the poisonous tree*," unless it inevitably would have been discovered by legal means.

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My property was discovered by illegal means by the Defendant-did seize Plaintiff's property by illegal means.

The 4th Amendment proscribes unreasonable seizure of any person, person's home (*including its curtilage*) or personal property without a warrant. A seizure of property occurs when there is "some meaningful interference with an individual's possessory interests in that property, "such as when police officers take personal property away from an owner to use as evidence, which was in this case. The amendment also protects against unreasonable seizure of persons.¹⁸ I was never search, nor was I read my Miranda rights.

Under the 4th Amendment, law enforcement must receive written permission from a court of law, or otherwise qualified magistrate, prior to a search and seizure, to lawfully search and seize evidence while investigating criminal activity.

Peace Officer Christine Vitello had no written permission from any court of law nor from otherwise qualified magistrate therefore Appellee search and seizure was unlawful.

Furthermore, there was not established any type of animal cruelty Sylvia Black allegedly was being accused of. What was

¹⁸ 3

the nature of the animal cruelty? Animal cruelty had never been established!

Defendant did not properly care for Plaintiff's cats when my cats were in defendant's custody. Defendant euthanized, distributed, sold plaintiff's cats before the courts established their right to do so. Charges of animal cruelty of healthy cats should be brought against Defendant-Appellee.

A court grants permission by issuing a *writ* known as a *warrant* which they did not in this case. The warrant defendant had looks nothing like what a real warrant looks like. Defendant's fake warrant was not notarized, and no legal warrant has a picture of the house on it.

This search or seizure was unreasonable and unconstitutional because it was conducted without a valid warrant and the police must obtain a warrant whenever practicable.¹⁹ Defendant's search and seizure of Plaintiff's home was unreasonable and unconstitutional and illegal.

¹⁹

The 4th Amendment of the U.S. Constitution provides that as I said before, "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.

Peace Officer Christine Vitello denied Sylvia Black, Plaintiff - Appellant the right to be secure in my home, when Peace Officer Christine Vitello trespassed on my property, stole my (cats), illegally searched my house, refusing to leave when asked, harassed, intimidated, entrapped me into giving them my personal information so Peace Officer Christine Vitello can gain illegal access to my home. ²⁰

Peace Officer Christine Vitello did not read Sylvia Black, Plaintiff - Appellant Mini Miranda rights ²¹nor was I informed of what was going on the whole time I was being harassed. ²²

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Even though I was not arrested my rights were still supposed to be read to me. Peace Officer Christine Vitello never showed up in criminal court.

There was no proof presented no probable cause, no preponderance of the evidence nor was there clear or convincing evidence establishing animal abuse. Pictures that were taken does not establish animal abuse. There is nothing in the notes that establish animal abuse. The dates of the report are ambiguous as well. The exam was done a month after the cats were seized from Sylvia Black's home.

Sylvia Black, Plaintiff - Appellant was ordered to come back and forth to court, in between the drug counseling, alcohol counseling and mental health counseling, and having to stand before Judge Calvo just to have the case adjourned for another month. No counseling was necessary. Sylvia Black, Plaintiff - Appellant does not take drugs. I do not drink. I am in my right mind.

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The humiliation of having someone stand in the bathroom while I urinated in a cup and it was degrading. Having to be questioned and interrogated about my life in a continued effort to entrap me was shameful and embarrassing.

Why should not Peace Officer Christine Vitello be held accountable for their illegal actions. Peace Officer Christine Vitello is in a position of authority and should know better and still forged Judge Hannah's signature on a Warrant, did not follow proper procedures and illegally trespassed on Sylvia Black's property, illegally seized my home, harassed me, intimated me, coerced, and entrapped me.

Peace Officer Christine Vitello entrapped Sylvia Black, by compelling Sylvia Black to surrender to Peace Officer Christine Vitello four cats to her. She used those four cats to prosecute against me and establish the alleged animal abuse case.

Peace Officer Christine Vitello illegally searching my home. Peace Officer Christine Vitello harassed me until I cooperated with her to surrender those four cats. Even after surrendering those four cats, she and 2 other peace officers illegally search and seized my home and my cats.

She kept calling and knocking on my door repeatedly, until I did relinquish those four cats and then used the cats that were given to her against me in a court of law thereby accusing me of animal abuse.

Peace Officer Christine Vitello did not read me my rights. Sylvia Black, Plaintiff - Appellant did not know what was going on the whole time Peace Officer Christine Vitello was harassing me. Even after Peace Officer Christine Vitello gave me court papers to appear in court, I still did not know what was happening and why Peace Officer Christine Vitello was bothering me.

Clearly this is a case of police brutality. Defendant-Appellant's was vicious and ruthless in the rough treatment of me without regard for the law. Peace Officer Christine Vitello was fully aware of the law and still decided to disregard the law for which Peace Officer Christine Vitello is hired to protect and serve not destroy and humiliate. BLACK LIVES MATTER!

Peace Officer Christine Vitello did not beat Sylvia Black, Plaintiff - Appellant physically however Peace Officer Christine Vitello did beat Sylvia Black, emotionally. Sylvia Black's, mother had just died, and Sylvia Black wanted to relocate back to New Jersey, where I am from but was unable to grieve

properly or relocated due to the court proceedings having to go back and forth to court and counseling. Sylvia Black's emotional state was and is quite unstable. I was unable to maintain gainful employment due to the emotional state Peace Officer Christine Vitello put me in because of her illegal acts against me.

Now with this criminal conviction over my head, even though it is a misdemeanor, it is preventing Plaintiff – Appellant today from obtaining gainful employment and making a living.

Sylvia Black, Plaintiff - Appellant is on a variety of medication to keep me stable and emotionally calm. I still have not recovered from my emotional wounds and the illegal acts committed against me, breaking, and entering, stealing, harassing, yelling, disrespecting me in my own home. Peace Officer Christine Vitello was screaming and disrespecting at me in my own home and refused to get out.

I do not even feel safe in my own home. I have not felt save since this incident has occurred. Every time the doorbell rings, I jump. I have isolated myself from the world. I do not socialize like I used to. I live my life as a hermit. I stay home more than I should. I am afraid to leave my home for any length of time for fear of break in. I have a lock on every room in my house including the bedroom. I cannot even turn out all the

lights at night. I am afraid of the dark. I have Christmas lights inside each room in my house to keep each room illuminated at night. I do not open all the windows when it is hot. I crack the windows just barely to get some air into the house.

I have cameras all around the house on the inside and the out. I have a stick in each window to keep anyone from getting in my house through the window when I leave it open at night. I live in constant fear of someone kicking my door down and invading my privacy. I jump at every sound.

When my mother died, she left each of us a little money after the house was sold. Each of us got a little something. That was the money I was going to use to relocate with.

I could not relocate because I was going back and forth to court. When the court proceeding was over not only was I not in any emotional state to relocate, but I had run out of money. As soon as I got that money that's when Defendant's Appellee is started snooping around me and building an illegal criminal case against me.

Now I cannot get a job because I have a criminal conviction on my background report, I get a social security check each month, but I do not reside in subsidized housing. I am 65

years old, and I am not ready to just lay down and die. I have no one who is in any position to help me. This Coronavirus Pandemic has put a lot of us in a financial bind. I was going to buy me a house. Now I am lucky just to have a roof over my head.

IX. Reasons for Granting Writ

Christine Vitello, Defendant- Appellee et. al., violated Sylvia Black's Constitutional Rights under the 4th Amendment:

- Peace Officer Christine Vitello did trespass, intrude, infringe on Sylvia Black property several times without my permission,
- Peace Officer Christine Vitello did interrogate Sylvia Black, Plaintiff - Appellant without cause or justification on numerous occasions as a means of gaining my address, phone number, etc.,
- Peace Officer Christine Vitello did harass, bother, pester, badger Sylvia Black, Plaintiff - Appellant by calling me numerous times on the phone without explanation even after I asked to be left alone,
- Peace Officer Christine Vitello did steal Sylvia Black's property from my home after gaining illegal entry to my home more than once,
- Peace Officer Christine Vitello did not explain what Sylvia Black the nature of what I was being accused of nor charged with,
- Peace Officer Christine Vitello did sell, distribute, euthanize, distribute, sell give away, Sylvia Black's property without the authority to do so,

- Peace Officer Christine Vitello forged Judge Hannah's signature on a Warrant that allegedly gave Erie County Authorities permission to enter Sylvia Black's home, Peace Officer Christine Vitello had no jurisdiction to enter my home, because Defendant- Appellee's place of business was in Niagara County at the time of the illegal break-in into my home,
- Attorney for Peace Officer Christine Vitello did not respond to discovery items,

Defendant- Appellee illegal search and seizure was not supported by probable cause or a valid warrant. The illegal search or seizure was deemed unlawful because it was not signed by a Magistrate Judge and there was no probable cause established prior to the illegal search and seizure.

Search Warrant was not filed with the county clerk, nor was a signed and notarized deposition from a law enforcement agency nor was an application for a warrant filed until 30 days after the first court date. Court date was in February 2017, application for a warrant was filed in March 2017.

Peace Officer Christine Vitello did not bring this matter before a Magistrate Judge. Peace Officer Christine Vitello

searched my home without having permission to enter my home. Peace Officer Christine Vitello barged in when I opened the door and asked who it is, Peace Officer Christine Vitello pushed their way into Sylvia Black's home.

Peace Officer Christine Vitello did illegally search my home four times. Peace Officer Christine Vitello called me all through the day demanding I let Defendant- in.

When Sylvia Black, Plaintiff - Appellant told Peace Officer Christine Vitello that I was not going to allow Peace Officer Christine Vitello, Appellee into my home anymore without a warrant. That's when Christine Vitello forged Judge Hannah's signature on a piece of paper (see attached illegal warrant) and was conducted in violation of Sylvia Black's 4th Amendment rights.

All evidence obtained because of that illegal search and seizure should not have been used against the me in the criminal case. Peace Officer Christine Vitello sold, distributed, and euthanized my cat's without having the legal right to do so.

Appellant's cats were distributed some of Plaintiff's cats to other animal shelters and adopting them out before the court case against me had been established. It was Defendant's

responsibility to take care of Plaintiff's cats until the Judge decided whether to convict Sylvia Black or not.

Peace Officer Christine Vitello called Sylvia Black's home on numerous occasions to find out what I was feeding my cats. While my cats were in defendant's care, defendants- appellant did nothing to attribute to the health of any of plaintiff's cats while in defendant's care. And in defendant-appellant in one of their statements said they would seek to enforce plaintiff-appellee to pay defendant-appellant ten thousand dollars for the care defendant-appellant allegedly provided.

Therefore, Peace Officer Christine Vitello was reckless, thoughtless, and un-attentive despite letters Plaintiff send to defendant objecting to euthanizing. Defendants did not care about the health of any of Plaintiff's cats. And yet Plaintiff gets accused of '*animal cruelty*'?

Sylvia Black, Plaintiff - Appellant was charged with four counts of Animal Abuse and charged with a Misdemeanor. Somehow another count of animal cruelty appeared on the docket after this case commenced.

Sylvia Black, Plaintiff - Appellant underwent drug counseling, alcohol counseling and mental health counseling all

because of Defendant- Appellant's illegal acts. This drug, alcohol and mental counseling was quite debilitating, having someone stand in the bathroom watching you use the toilet. Only for the Judge to tell me '*Treatment Was Not Necessary*'.

Peace Officer Christine Vitello did not file the proper paperwork, nor did Peace Officer Christine Vitello possess the proper paperwork to file. A forged warrant, an application for that same warrant filed 30 days after the case commenced. No signed statement from a Magistrate establishing just cause and giving Defendant-Appellant permission to take Plaintiff's cats.

Even though the fake forged warrant said Erie County officials had permission to enter, defendant – appellants place of employment at that time, was in Niagara County at the time. The same month plaintiff-appellee filed this case in federal court, defendant – appellants relocated to their 52,000 square foot facility in Erie County.

There was no affidavit setting forth substantial facts by defendant which was supposed to establish probable cause and was supposed to be filed in every instance in which a search warrant is requested before the defendant broke into plaintiff's home.

Plaintiff has a right to live in her house in peace without intrusion. Defendants violated that right. Defendants displayed criminal behavior. And Plaintiff gets stuck with *a criminal conviction?*

Therefore, Plaintiff is seeking the full amount of three million five hundred thousand dollars as Judgment on behalf of Plaintiff, or a sum of money as judgment reasonable in the eyes of the court.

X. CONCLUSION

My case was dismissed after the court ordered an Oral Argument which I did not ask for. The attorney was not present. I was interrogated and was not able to present my argument.

For the foregoing reasons, Sylvia Black, Pro Se, Plaintiff, respectfully ask that this Court issue a writ of certiorari to review the judgment of the US District Court, Southern District, NY of Appeals.

DATED, May 19, 2021

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