

24-5049

No. \_\_\_\_\_

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SUPREME COURT OF THE UNITED STATES

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Irena Shie,

*Petitioner*

vs.

COMMONWEALTH OF PENNSYLVANIA,

*Respondent*

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On Petition for a Writ of Certiorari to the Supreme Court of Pennsylvania  
Middle District 610 MAL 2023

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PETITION FOR A WRIT OF CERTIORARI

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FILED  
JUN 04 2024  
OFFICE OF THE CLERK  
SUPREME COURT OF PENNSYLVANIA  
**ORIGINAL**

## **I. QUESTION PRESENTED**

1. In light of the Fourteenth Amendment to the U.S. Constitution and the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq., which mandate equal protection under the law and reasonable accommodations for disabilities, did the courts in Pennsylvania violate these principles by failing to provide necessary accommodations during judicial procedures for a petitioner with a disclosed and documented communication disability, thereby impeding her ability to participate meaningfully in the justice system?
2. Considering the First Amendment of the U.S. Constitution, which safeguards the right to freedom of speech and petition the government for a redress of grievances, and Title 42, U.S.C. § 1983, which addresses the deprivation of constitutional rights under color of state law, did the Pennsylvania courts' treatment of the petitioner's efforts to seek protection from harassment by the accuser Ms. Jones as harassment against the accuser constitute a violation of the petitioner's rights to free speech and petition?

## II. LIST OF PARTIES AND RELATED CASES

### A. Parties to the Proceeding

**Irena Shie**, Petitioner, Pro Se - The petitioner in this case, who seeks a writ of certiorari from this Court following adverse decisions by the lower courts in Pennsylvania. Ms. Shie is an individual with a communication disability seeking redress for violations of her constitutional rights under the First and Fourteenth Amendments and the Americans with Disabilities Act.

**Commonwealth of Pennsylvania**, Respondent - The respondent in this case, represented by the Pennsylvania Attorney General's Office. The Commonwealth of Pennsylvania is involved through its courts' decisions and actions that are at issue in this petition.

**Caitlin Jones**, Accuser - At this point Ms. Jones is employed by Garnet Valley School District in Pennsylvania as an elementary school principal.

### B. Related Cases

This petition for a writ of certiorari follows the final judgment issued by the Supreme Court of Pennsylvania. The relevant lower court cases include:

**Trial Court Decision** - Issued by the Court of Common Pleas of Delaware County Criminal Division, Case No. CP-23-SA-0000409-2022. This court found Ms. Shie guilty of a summary offense of harassment.

**Appellate Court Decision** - Reviewed and affirmed by the Pennsylvania Superior Court, Case No. 2971 EDA 2022. This court denied the direct appeal filed by Ms. Shie.

**State Supreme Court Denial** - The Pennsylvania Supreme Court denied a hearing on the petitioner's appeal, Case No. 610 MAL 2023. This denial order was issued without an opinion, effectively upholding the lower courts' rulings.

This petition asserts that the decisions from the aforementioned cases have collectively resulted in violations of constitutional and statutory rights warranting review by this Court. Each of these cases is directly related to the instant petition as they constitute the entire history of the legal proceedings relevant to this request for certiorari.

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Under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq., and the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), individuals with disabilities are guaranteed the right to reasonable accommodations to ensure their full and equal participation in public life, including judicial proceedings. Despite this, the Supreme Court of Pennsylvania has consistently failed to provide reasonable accommodation based on ADA for the Petitioner, Irena Shie, an individual with an officially diagnosed autism spectrum disorder, hearing impairment, and auditory processing disorders which significantly restrict her ability to communicate effectively, thereby denying her the ability to participate meaningfully in her legal defense.

Furthermore, the Petitioner's First Amendment rights have been compromised by the Pennsylvania courts' interpretation of her advocacy and efforts to protect her daughter from harassment and bullying by the Ms. Jones as forms of harassment. This interpretation not only silenced her protests against cruel treatment by Ms. Jones, but also suppressed her efforts to obtain help and secure safety for her and her children, who also have disabilities, and punished her for exercising her rights to free speech and rights to live free from fears and intimidation, and rights to petition the government for a redress of grievances as guaranteed under the U.S. Constitution, Amendment I.

The decisions of the lower courts which overlook these critical issues of disability discrimination and suppression of free speech raise significant constitutional questions. These include violations of the Fourteenth Amendment's guarantee of equal protection under the law and the right to due process, especially given the

non-provision of necessary reasonable accommodations based on ADA which are mandated by federal law for individuals with disabilities.

In addition, the Petitioner contends that the mischaracterization of her actions as harassment rather than desperate efforts and advocacy to protect her children from abuse by Ms. Jones reflects a misunderstanding and misapplication of the principles of justice and disability rights. This mischaracterization has resulted in a profound injustice, not only penalizing the Petitioner for her disability but also persecuting her for standing up against harassment by Ms. Jones and punishing her or trying to protect her and her daughter's rights to feel safe and live free from fears.

Given the broad implications of this case on the rights of individuals with disabilities in the judicial system and the precedent it sets for the interpretation of constitutional rights, it is imperative that the Supreme Court review this matter. The issues at hand not only affect the Petitioner but also have wider ramifications for the rights of disabled individuals across the country to access justice and receive fair treatment under the law. Individuals with disabilities are prone to abuse, but the majority of them are unable to defend themselves. Abusers like Ms. Jones take advantages of the disabled victims' defenseless and powerless nature and often time the abusers could walk away without consequences, like in this instant case.

The need for a correction on this Court's oversight is critical to uphold the fundamental rights afforded under the United States Constitution and various federal statutes designed to protect individuals with disabilities. This Court's intervention is urgently required to correct the failures of the Pennsylvania courts and to ensure that similar violations are not perpetuated in other jurisdictions.

Therefore, the Petitioner respectfully requests that this Honorable Court grant a writ of certiorari to review the judgment of the Pennsylvania Supreme Court in this matter.

## VI. OPINIONS BELOW

The opinions rendered by the courts below in this matter are critical to understanding the trajectory and the judicial reasoning that led to this petition for a writ of certiorari.

The initial appeal was made to the Pennsylvania Court of Appeals, where the Petitioner sought direct review of the lower court's decision. The appeal was primarily centered around the Pennsylvania courts' failures to provide reasonable accommodations during the legal proceedings, as required under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, as well as claims of First Amendment violations. The Court of Appeals denied this appeal, maintaining that the issues presented did not warrant a reversal or remand of the lower court's decisions. This decision by the Pennsylvania Court of Appeals is officially reported as Case No. 2971 EDA 2022, with an opinion issued under Judicial Slip Opinion No. J-S36003-23. The date of this decision is not specified in the provided details but is included in the official reports.

Following the unfavorable outcome at the appellate level, the Petitioner advanced her case to the Pennsylvania Supreme Court, seeking a further review and hoping for a different interpretation or a more favorable understanding of her claims concerning disability rights and free speech infringements. However, the Pennsylvania Supreme Court declined to hear the Petitioner's case, effectively upholding the appellate court's decision without additional commentary or justification. The order denying the petition for hearing was issued on March 26, 2024. This order did not provide an opinion but merely stated the denial, which is a common practice when the court decides not to take up a case for a detailed review.

This final denial by the Pennsylvania Supreme Court marked the conclusion of the Petitioner's options within the state judicial system, prompting the current petition for a writ of certiorari to the United States Supreme Court. The details and specifics of these lower court decisions, including the appellate court's opinion and the supreme court's order, are crucial for the United States Supreme Court's review. They highlight the legal and procedural context in which violations of federal rights occurred, and they frame the issues for which the Petitioner seeks redress.

These opinions and orders are attached in the appendix of this petition for ease of reference and review by the Honorable Supreme Court.

## **VII. JURISDICTION**

The jurisdiction of this Honorable Court to review the petition for a writ of certiorari in this case is established under the provisions of 28 U.S.C. § 1257(a). This statutory provision grants the Supreme Court of the United States authority to review on certiorari final judgments or decrees rendered by the highest court of a state in which a decision could be had. This review can occur where the validity of a treaty or statute of the United States is drawn into question or where any title, right, privilege, or immunity is claimed under the federal law.

The decision rendered by the Supreme Court of Pennsylvania is a final judgment in this matter. There are no further avenues for review within the Commonwealth of Pennsylvania, as the state's highest court has conclusively denied the Petitioner's appeal. This denial effectively terminates all state judicial proceedings and solidifies the decision as final and binding within the state judicial hierarchy.

The Petitioner has invoked this Court's jurisdiction timely, adhering strictly to the procedural requisites for such a petition. The petition for writ of certiorari was filed within 90 days following the issuance of the final judgment by the Pennsylvania Supreme Court, dated March 26, 2024. This filing respects the stipulated period allowed under federal law, which underscores the urgency and the procedural propriety with which this matter has been brought before this Court.

By these merits, this Court is called upon to exercise its jurisdiction to address significant questions of federal law presented in the petition, specifically issues arising under the Americans with Disabilities Act, the Rehabilitation Act, and crucial aspects of the First and Fourteenth Amendment to the United States Constitution, as interpreted and applied by the courts of Pennsylvania. The resolution of these federal questions not only impacts the Petitioner directly but also bears significant implications for the interpretation and enforcement of federal rights more broadly. Therefore, the exercise of this Court's jurisdiction is both appropriate and necessary to ensure that federal laws are uniformly and correctly applied across the states, safeguarding the constitutional rights of individuals, especially those pertaining to protected classes under disability rights statutes.

### **VIII. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

This petition involves significant constitutional and statutory provisions that are essential for determining the legal issues presented. The relevant provisions include:

1. **United States Constitution, Amendment I:** 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 peaceably to assemble, and to petition the Government for a redress of grievances."
2. **United States Constitution, Amendment XIV, Section 1:** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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.
3. **Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101 et seq.:** Particularly relevant are provisions concerning reasonable accommodations for individuals with disabilities to ensure their full and equal enjoyment of all public facilities and services (42 U.S.C. § 12132).
4. **Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794(a):** No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits

of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

5. In Tennessee v. Lane, 541 U.S. 509 (2004) the Supreme Court held that Title II of the ADA applied to the administration of justice and required that individuals with disabilities have equal access to judicial services.

6. In Olmstead v. L.C., 527 U.S. 581 (1999), The Court ruled that unnecessary segregation of persons with disabilities constitutes discrimination in violation of Title II of the ADA.

7. In Board of Trustees of Univ. of Alabama v. Garrett, 531 U.S. 356 (2001) court held that while limiting some applications of the ADA, the Supreme Court affirmed that the statute was appropriately used to prevent discrimination against disabled persons in public services.

These constitutional and statutory provisions form the bedrock of the arguments presented in this petition, centering on violations of the Petitioner's rights to due process and equal protection under the law as guaranteed by the Fourteenth Amendment, and the right to participate in judicial proceedings without discrimination as required by federal disability statutes. The case implicates fundamental principles of justice and accessibility, questioning whether the state court's actions—or lack thereof—contravened these established legal protections by failing to provide reasonable accommodations and by misinterpreting actions taken by a person with disabilities under distressing circumstances as constitutive of harassment.

## IX. STATEMENT OF THE CASE

### I. Overview of the Case

Irena Shie, herein referred to as the 'Petitioner,' is before this Honorable Court to challenge the judgments rendered by the state courts of Pennsylvania, which upheld her conviction of a summary offense of harassment. This appeal stems from a conviction entered by the Court of Common Pleas of Delaware County Criminal Division, under case number CP-23-SA-0000409-2022, and subsequently affirmed by the Supreme Court of Pennsylvania on October 18, 2023.

The core of the Petitioner's case revolves around her testimony of systematic harassment against her by Ms. Jones, following the Petitioner's attempts to secure a safe educational environment for her daughter who has multiple disabilities and

is a crime victim. The legal proceedings leading to the Petitioner's conviction are contested on the grounds of significant procedural and constitutional violations, notably the failure to accommodate the Petitioner's disabilities during the judicial process.

The Petitioner, diagnosed with multiple disabilities including autism spectrum disorder, hearing impairment, and auditory processing disorders, asserts that these conditions critically impair her ability to communicate effectively. This appeal raises substantial questions regarding the adherence of state courts to federal mandates under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq., and the Rehabilitation Act of 1973, 29 U.S.C. § 794, which require reasonable accommodations to be made for individuals with disabilities.

Furthermore, this case also touches upon the First Amendment rights of the Petitioner, arguing that her conviction was retaliatory, tied to her efforts to advocate for her daughter's safety in her educational environment in Garnet Valley school district. The treatment faced by the Petitioner in the lower courts not only raises concerns under the aforementioned disability statutes but also implicates her constitutional rights to free speech and to petition the government for redress of grievances. Ms. Shie is persecuted by the Pennsylvania courts for her courage to speak up against Ms. Jones' misconduct and cruel treatment of her daughter.

This petition seeks to invoke the jurisdiction of this Court under 28 U.S.C. § 1257(a) to review and rectify the state courts' decisions which represent a final judgment on matters involving significant federal questions that the state courts have adjudicated in a manner arguably contrary to the rights and protections afforded under federal law. The outcome of this appeal could significantly impact the application of disability rights within the judicial system, ensuring that individuals with disabilities are granted their rightful accommodations and protections under the law.

## **II. Background of the Petitioner**

Irena Shie, the Petitioner, is a resident of Glen Mills, Pennsylvania, engaged in advocating for the educational and safety needs of her daughter within the Garnet Valley School District. The Petitioner is a person with disabilities, diagnosed with autism spectrum disorder, auditory processing disorders, attention-deficit/hyperactivity disorder (ADHD), post-traumatic stress disorder (PTSD), major depression, and anxiety disorders. These conditions significantly impact her communication abilities and interaction with her surroundings, particularly in high-stress environments such as legal proceedings.

The Petitioner's involvement in the instant case began as a direct result of her efforts to ensure a safe educational environment for her daughter, and other students with disabilities and students who are victims of crimes. Her advocacy efforts were met with hostility and escalated into accusations of harassment by Ms. Caitlin Jones, the principal of Garnet Valley Elementary School. These false accusations ultimately led to the legal charges against the Petitioner.

Throughout her legal ordeal, the Petitioner faced numerous challenges that were compounded by her disabilities. Notably, her condition necessitates specific reasonable communication accommodations based on ADA, such as additional time to process verbal information and the need for written communication, which were not consistently provided throughout the court proceedings. This lack of accommodation led to significant misunderstandings and misrepresentations of her actions and statements, which were critical factors leading to her conviction.

The Petitioner's case is emblematic of the broader struggles faced by individuals with disabilities within the legal system, where the lack of proper reasonable accommodation results in unjust outcomes. Her appeal to this Court not only seeks justice in her case but also aims to affirm the legal protections and accommodations required by federal law for individuals with disabilities, ensuring that they can participate fully and fairly in judicial processes.

In addition to her legal battle, the Petitioner has been a proactive member of her community, advocating for disability rights, better educational practices, and safer educational environments. Her experiences have driven her to become a vocal supporter of reforming how schools and legal systems interact with individuals with disabilities, particularly in contexts involving legal or disciplinary issues.

This background sets the stage for the significant legal questions presented in this petition, revolving around the intersection of disability rights and the justice system, and highlights the broader implications of this case for similar individuals nationwide.

### **III. Factual Background and Initiation of Legal Dispute**

The factual background of this case begins with the Petitioner, Irena Shie, addressing the needs of her daughter, H.S., within the Garnet Valley School District. H.S., a minor with diagnosed autism spectrum disorder, is a victim of a sexual assault perpetrated by another student in the district, B.H., who was subsequently convicted at Pennsylvania juvenile court in 2018 but continued to attend the school in Garnet Valley school district.

In response to this situation, in 2018 the Petitioner approached school administrators to seek measures to ensure H.S.'s and other female students' safety at school because sexual offense tend to be repeat the offense. The response from the administration, particularly from Ms. Jones, the principal, was not only dismissive but also hostile. Ms. Jones poked fun of sexual assault, and put the blame on the victim, gaslighted the victim by suggesting that the assault never happened, and refused to separate the offender from the victim at school despite separation between victim and offender is required by Pennsylvania law. Ms. Jones and the district superintendent Mr. Marc Bertrando have been overly protective of B.H. for private reasons because they are inappropriately friendly with B.H.'s parents. The administrators' refusal to take safety measures again B.H. has resulted in further sexual assaults by B.H. against at least five other female students between 2018 and 2023, and some assaults occurred at school setting. However, to this day, B.H. continues to enjoy his privileges in Garnet

Valley School District guaranteed by Mr. Bertrando and Ms. Jones who abuse their power on regular basis and run the school as if it is their own private business using tax payers money and blatantly ignore the pain and suffering of B.H.'s victims who have to live in fears in the school district every single day. The victims' trauma and humiliation from the sexual assaults are lifelong, and at least two of the victims have attempted suicide due to the trauma from the sexual assaults by B.H. These young girls' lives will never be the same. The sexual assaults that occur in Garnet Valley School District are preventable if only the district administrators do not favor a sexual offender over students' safety and maliciously paint advocacy as harassment. The administrators play around with the law and rules for their own personal gain. Ms. Jones and the administrators of Garnet Valley School District have a long history of abusing the systems. For example, they regularly call the Child Protective Service on parents who file lawsuits against them, and all the time, the parents are innocent, and no child abuse is found as described in Appendix D. In this instant case, Ms. Jones abused the justice system to satisfy her ego and for personal financial benefits. It is about time to finally hold Ms. Jones and the administrators of the school district accountable for their long history of power abuse, child abuse and child endangerment.

Petitioner's advocacy for protection of female students in Garnet Valley School District so far only ignited harassment against Petitioner by district administrators, particularly Ms. Jones. Per court order, B.H. is not allowed to attend any school events when one or more of the Petitioner's family members are present in the events. To diminish B.H.'s disadvantages and allow B.H. to attend school events freely, Ms. Jones issued a counter rule to prohibit the Petitioner from getting into the school grounds.

Ms. Jones' hostility escalated when the Petitioner requested reasonable accommodations for her daughter's disabilities during physical education classes, as well as for herself as parent to communicate with the school, given her own disabilities which severely affect communication. These accommodations were necessary to ensure compliance with the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973. Despite disclosing her conditions and requesting reasonable accommodations, the Petitioner was met with resistance, non-compliance and demeaning attitudes by Ms. Jones. Petitioner requested communication in writing via emails exchanges due to hearing impairment, and if the school cannot agree to communication in writing, Petitioner requested to have a discussion with the school to determine an alternative communication method to enable Petitioner to participate in her daughter's education. The school never refused to communicate in writing, however, Ms. Jones falsely claims that Petitioner was harassing her by communicating in writing through emails, despite none of the emails were addressed to Ms. Jones privately and the contents of the emails were mostly desperate screams for help in Petitioner's attempts to find someone who is able to see through Ms. Jones' manipulation and deception, and have integrity and courage to stop Ms. Jones from harassing and bullying Petitioner and her daughter. Ms. Jones' unceasing and escalating harassment gradually become more and more dangerous and could result in fatality in which Petitioner's daughter might eventually commit suicide. Petitioner and family only wanted to live our own lives and find care to help with our disabilities, however, Ms. Jones would not leave us alone. Tragically, the one and only reason Ms. Jones

refuses to leave Petitioner's family alone is nothing other than Ms. Jones' ego and delusions. Ms. Jones delusionally thought that Petitioner wanted to sue the school and harm her, and created a delusional story about Petitioner being dissatisfied toward her because her inflated ego does not allow her to admit that parents are annoyed by her misconducts as described in Appendix D. Ms. Jones lied to law enforcement on multiple occasions. Being a pathological liar who lies every time she opens her mouth, Ms. Jones has been able to deceive and manipulate various people from the school board to Pennsylvania state courts, and even the Pennsylvania State Police are powerless against her abuse, manipulation and deception.

- Under the ADA, individuals with disabilities are entitled to reasonable accommodations that allow them to participate fully and equally in public life. Failure to provide such accommodations can be seen as discrimination (42 U.S.C. § 12132).
- Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in any program or activity receiving Federal financial assistance (29 U.S.C. § 794(a)).
- In cases such as Pennsylvania Department of Corrections v. Yeskey (524 U.S. 206), the Supreme Court has interpreted ADA provisions broadly, affirming that they apply to all areas of public life, reinforcing that the lack of accommodations in judicial and educational settings can constitute discrimination.

The legal dispute began when the Petitioner, after repeated failed attempts to secure a safe environment for her daughter at the school and cease the ongoing harassment from Ms. Jones, resorted to formal complaints by Petitioner against Ms. Jones with the school district in March 2021, and later with the Pennsylvania Department of Education in June 2021. However, these complaints only escalated the harassment by Ms. Jones against the Petitioner and her daughter, H.S who started struggling during physical education (PE) classes at that time because she is unable to perform certain tasks that normal children could do easily due to her disability such as throwing and catching a ball. Multiple medical and mental health professionals urged Ms. Jones to provide accommodation or excuse H.S. from PE class, which was all blatantly ignored by Ms. Jones. Instead, Ms. Jones put H.S. on the stage during PE classes to humiliate H.S. and for all her classmates to see that H.S. is not able to perform simple tasks. This bullying by Ms. Jones eventually pushed H.S. to severe emotional distress and H.S. started cutting herself. When the Petitioner asked Ms. Jones to have a discussion on H.S. struggles, Ms. Jones became angry. Because Ms. Jones had said that H.S.' issue was merely anxiety, Ms. Jones was offended when mental health professionals pointed out that it was much more serious than anxiety. It was autism spectrum disorders and physical deformity that made H.S. struggle in PE classes. Therefore, no matter how cruelly H.S. was bullied by Ms. Jones, H.S. and Petitioner were unable to change the situation. Ms. Jones increasingly became more and more angry because her fragile vulnerable ego and her false sense of grandiosity were severely hurt when H.S. continued to have disabilities and was unable to attend PE classes due to severe emotional distresses. Ms. Jones only saw this as rebellion and offense against her, and started to fabricate the stories about she was being harassed by Petitioner because Petitioner was dissatisfied with her "decision" that in reality she had never made. This is one of her enormous amounts of twisted and

distorted reality created by Ms. Jones. A child cannot stop having a disability just because Ms. Jones says there is no disability. H.S. went through assessments and the professionals officially diagnosed her with autism spectrum disorders and physical deformity. However, Ms. Jones' inflated ego and her craving for admiration do not allow her to admit that she was completely wrong, therefore she only sees H.S.' diagnosis as a dissatisfaction toward her. She went extra length to alter diagnosis by reaching out to mental health professionals to slander Petitioner and tell them that Petitioner fabricated H.S. symptoms in order to maliciously sue the school for financial gain. Ms. Jones could not care at all that by preventing disabled student from receiving care and treatment, she put the student in danger.

Subsequently the Petitioner filed a complaint with the Office of Dispute Resolution, which oversees special education matters in Pennsylvania to seek help, but this again resulted in Ms. Jones' outburst of rage. Ms. Jones began stalking the Petitioner and reached out to Petitioner private medical and mental health professionals to prevent the professionals from providing correct diagnosis and treatment. This is the actual core issue of this instant case. It is not about the Petitioner's dissatisfaction toward Ms. Jones. This case is about Petitioner's efforts to stop Ms. Jones' harmful and dangerous behaviors against children with disability.

It is not exaggerated to say that Ms. Jones attempted to murder H.S. who was suicidal at that time when Ms. Jones reached out to Delaware County Crisis Connection Service to tell them that Petitioner fabricated H.S. suicidal ideation and mental health issues in order to sue the school, and Ms. Jones successfully blocked the desperately needed help and support from various institutions just because it hurt Ms. Jones' ego that H.S. was suicidal due to bullying by Ms. Jones in PE classes. Ms. Jones also does not want to get sued by parents based on her misconducts (*See* first screenshot on Exhibit D), but at the same time she refuses to follow the education law and to do her works correctly. Ms. Jones has no understanding that mental health care is important, and she would choose at any time to see students committing suicide rather than admitting her selfish actions and gross negligence where she deliberately blocked private mental health services paid by parents outside the school from students. In total, Ms. Jones and her flying monkeys which include the troopers from Pennsylvania State Police were able to compromise about twenty Petitioner's private medical and mental health professionals with her delusional fabricated stories that Petitioner seeks medical and mental health care because Petitioner was angry at Ms. Jones and want to sue the school. This false accusation is not only completely baseless, but also harmful and dangerous. Furthermore, Ms. Jones fabricated stories about suicidal students based on her delusions. In her false claim, the parents of the suicidal students fabricate suicidality to threaten Ms. Jones in order to get services. This claim shows Ms. Jones' false sense of grandiosity. She even twisted serious issues such as suicide to shift attention from the students who desperately need help to herself because she craves admiration and attention. It is an act of true evil that Ms. Jones prevents suicidal students who have disabilities and mental health issues from receiving correct diagnosis and care. Additionally, it is an act of true cowardice that Ms. Jones denies what she definitely did, then smears and persecutes the parents for exposing her behavior. It is hard to believe a principal of a school would do such horrible conducts because these conducts are

far from a normal behavior of a principal of a school, but Ms. Jones truly did all those things described in the above lines and paragraphs. The psychology report attached on Appendix C explains why Ms. Jones' behaviors are so unbelievable. Additionally, Ms. Jones manipulates the justice system to avoid prosecution and to persecute parents who stand up against her. "Flying monkeys" is used in psychology to describe people who enable or perform tasks for an abusive person. A number of parents sued Garnet Valley School district and Ms. Jones due to their misconduct as educators, however, Ms. Jones has been able to twist the truth and paint people who sued her as malicious and hungry for financial gain, which is untrue. It hurts Ms. Jones' inflated ego when parents complain about her misconduct and lack of knowledge in special education matters. Ms. Jones would go to extra length to punish anyone who dares to speak up or correct her.

The situation deteriorated when Ms. Jones falsely accused the Petitioner of harassment — a claim stemming from the Petitioner's desperate advocacy for her daughter's rights and safety.

These false accusations led to legal charges against the Petitioner, maliciously framed by Ms. Jones's portrayal of the Petitioner's advocacy as harassment. The subsequent trial, where the Petitioner was convicted of harassment, did not adequately accommodate the Petitioner's communication disabilities, leading to significant procedural and substantive issues. This conviction is what the Petitioner now seeks to overturn, arguing that her actions were mischaracterized due to a lack of appropriate accommodations and a fundamental misunderstanding of her disability-related communication methods.

Additionally, the Pennsylvania trial court and appeal courts based their judgement solely on lies, false and delusional testimony by Ms. Jones. As described in the forensic psychology evaluation report attached, Ms. Jones is diagnosed with narcissistic personality disorders and psychotic delusional disorders. On one occasion, Ms. Jones panicked about a personal alarm that she thought was a weapon to murder people. Personal alarm is a mini-sized device that makes a loud noise if the carrier pushes its button in case of emergency. A personal alarm is not a weapon and does not have the capacity to murder anyone. On other occasions, Ms. Jones made a false report that she saw Petitioner lingering at school and staring at her. Ms. Jones does not know that the Petitioner suffers from face blindness and to this day Petitioner does not know how Ms. Jones' face looks like therefore it is obviously a lie that she saw Petitioner lingering at school and staring at her. On another occasion, Ms. Jones made delusional claims that Petitioner wanted to attack the school when Petitioner asked Ms. Jones to stop blocking diagnosis and mental health care for suicidal students because her behavior could eventually result in children committing suicide. However, despite her claims about Petitioner are all false and delusional, Ms. Jones has been able to deceive and manipulate various systems, from the members of Garnet Valley school district school board, Pennsylvania State Police to Pennsylvania state courts through her countless of lies, delusions and hallucinations. Needless to say, it is possible that Ms. Jones believes her own lies due to her delusional disorders as described in Appendix C.

Ms. Jones has been able to take advantage of Petitioner's severe communication disability to twist Petitioner's emails and efforts to secure safety for the students as merely dissatisfaction toward her. This claim shows Ms. Jones' inflated ego, delusions, and distorted reality. Petitioner and a number of other parents are annoyed and alerted by Ms. Jones' constant lies, misconducts, inappropriate and sometimes dangerous behaviors as a principal. As described above, Ms. Jones and the administrators of Garnet Valley School District are experts in power abuse ignoring and sacrificing the safety of their students for their own private reasons and personal gain. They deceive and manipulate others without pain or shame. It is not exaggerated to say that Ms. Jones would murder students if it meant she would secure her salary and position, therefore Ms. Jones needs to be monitored and restrained such as in restraining order in order to protect students from her malicious and harmful behaviors.

Unable to get help from the police and other organizations, Petitioner made desperate posts on social media to seek help and alert others of what is actually going on in Garnet Valley School District. There have been too many victims of the selfish, reckless and irresponsible behaviors by Ms. Jones and the administrators of Garnet Valley School District. This has to stop. Someone has to take action to stop this, but the Pennsylvania State Police and the Pennsylvania state courts are compromised either willingly or unaware that they are being maliciously manipulated by the Ms. Jones and the administrators of the school district.

This case highlights the critical intersection of disability rights and legal processes, illustrating how misunderstandings and prejudices about disabilities can lead to wrongful convictions. It raises significant questions about the justice system's capacity to adapt to and accommodate individuals with unique communication and processing methods, as mandated by law. The failure to provide such accommodations not only affects the fairness of the trial but also undermines the integrity of the judicial process, potentially violating constitutional rights under the Fourteenth Amendment to due process and equal protection.

#### **IV. Legal Challenges and Disability Discrimination**

The core legal challenges in this case revolve around systemic failures to accommodate disabilities, both in educational and judicial contexts, resulting in discrimination, a denial of due process and equal protection under the law and a false conviction. These challenges are not isolated incidents but reflect a broader pattern of disregard for the statutory and constitutional rights of individuals with disabilities.

##### **Specific Legal Challenges**

- **Violation of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act:** The GVSD and its administrators, including Ms. Jones, failed to provide reasonable accommodations to both H.S. and the Petitioner. This failure extends to the refusal to modify communication methods and provide a safe educational environment free from fears, bullying, harassment and intimidation, directly impeding the Petitioner's

ability to advocate for her daughter and participate in her education effectively.

- **Discriminatory Retaliation:** The Petitioner faced retaliation in response to her advocacy for disability accommodations for her daughter, which is prohibited under the ADA (42 U.S.C. § 12203). The actions taken by the school administrators culminated in criminal charges against the Petitioner, fundamentally based on her disability-related advocacy.
- **Denial of Due Process:** During the legal proceedings that followed the school's accusations, the Petitioner's disability was not accommodated, violating her right to a fair trial as guaranteed by the Fourteenth Amendment. The lack of reasonable accommodation impeded her ability to communicate effectively and defend herself, raising substantial concerns about the validity of the legal process and outcome.
- **False Testimony:** This instant case is based solely on Ms. Jones' false and twisted testimonies. Ms. Jones is delusional and a pathological liar. Ms. Jones even lied under oath at the trial court with her delusional and false testimonies such as Petitioner's lingering at school, sending her twenty emails in a short time, calling her names. She deliberately misled the court such as Petitioner is dissatisfied with her decision even though Ms. Jones knows exactly that the truth is Petitioner was annoyed by her constant harassment, discrimination, disregard for student safety and unwanted interferences in family private medical and mental health care despite multiple cease and desist letters issued against Ms. Jones to stop her reckless and harmful behaviors. Ms. Jones' selfish actions create fears for the safety of Petitioner's family and make it impossible for disabled children, H.S. and her brother to get mental and medical help and support. Ms. Jones and Mr. Bertrando abuse their power as school officials to prevent adults and children with disabilities receiving correct diagnosis, care and treatment in order to avoid penalty for their violation of Individual with Disability Education Acts that oblige the school to discover and provide services and accommodations to students with disability. Just like they sacrifice the safety of female students in Garnet Valley School District to favor a sexual offender B.H., they also sacrifice students with disability to favor high salary for themselves, unnecessary sports and theater events at the school district to boost their reputation.
- **Malicious Prosecution:** Malicious prosecution is a particularly egregious legal wrong, one that occurs when one party initiates a baseless legal action against another with the intent of using the legal system to oppress or harass. In this case, the accuser, Ms. Jones, has employed such tactics, fabricated stories and manipulating the judicial process to retaliate against the Petitioner for lawfully advocating for her daughter's rights and safety. This misuse of the judicial system not only undermines the integrity of the legal process but also highlights a severe abuse of judicial resources to persecute the Petitioner unjustly. This action is particularly reprehensible as it targets the Petitioner's disabilities, exacerbating the challenges she faces and impeding her ability to defend herself effectively. Such conduct not only violates the principles of justice and equity enshrined in the Fourteenth Amendment and the Americans with Disabilities Act but also exposes the systemic failures in protecting the rights of individuals with disabilities within the legal system.

- **Lack of Legal Representation** : Due to communication difficulties, oftentimes even their own defense attorneys think autistic defendants are guilty even though they are innocent. Petitioner had to fire several attorneys ,including attorney Vincent Caputo, throughout this process due to communication issues and their unwillingness to fight against a school district. Petitioner is hearing impaired and has hard time communicating orally especially over the phone. Attorney Caputo lied to harm this case when he mentioned that Petitioner continued calling him after he withdrew. Without assistance from an appropriate adult, it is nearly impossible for autistic individuals to access justice due to their severe difficulties in communicating which is the hallmark of autism spectrum disorders.
- **Tennessee v. Lane (541 U.S. 509 (2004))**: The U.S. Supreme Court recognized that individuals with disabilities must have access to public facilities and services, including courts, on an equal basis with others, emphasizing that states must comply with the ADA to ensure public services are accessible.
- **Barden v. City of Sacramento (292 F.3d 1073 (9th Cir. 2002))**: This case affirmed that public entities must take necessary steps to ensure that individuals with disabilities are not excluded, denied services, or otherwise treated differently than other individuals because of the absence of auxiliary aids and services.

The legal challenges presented by this case highlight critical issues in the enforcement of disability rights laws. They underscore the need for:

- Enhanced awareness and training regarding disability rights within Garnet Valley school district.
- Judicial acknowledgment and correction of the systemic biases and procedural barriers that prevent fair treatment in the legal system for individuals with disabilities.
- A reevaluation of policies and practices that currently allow for discriminatory practices and retaliatory actions against individuals advocating for rights under the ADA and Section 504.

#### **IV. Appeal and Need for Certiorari**

**A. Grounds for Appeal:** The appeal to the United States Supreme Court is predicated on significant questions regarding the interpretation and application of federal laws concerning disability rights and the procedural due process guarantees provided under the Fourteenth Amendment. The Petitioner contends that the decisions made by lower courts, and the actions of the educational institution involved, have resulted in grave miscarriages of justice that necessitate review and rectification by this Court.

#### **. B. Legal Basis for Certiorari**

- The case presents substantial questions regarding the application of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, particularly in the context of educational and judicial accommodations for individuals with disabilities.

- Lower court decisions conflict with Supreme Court precedents such as *Olmstead v. L.C.* (527 U.S. 581), which emphasized the right of individuals with disabilities to live in the community and receive services in the most integrated setting appropriate to their needs, and *Tennessee v. Lane*, which highlighted the necessity of access to judicial processes for disabled individuals.
- There is a pressing need for uniform national standards in how educational institutions and courts accommodate individuals with disabilities, especially in legal settings. The inconsistency in handling these accommodations poses a significant risk of unequal treatment across jurisdictions.

#### **C. Need for Review by the Supreme Court**

1. This case represents a critical test of the judiciary's commitment to protecting the rights of the most vulnerable members of society, ensuring that individuals with disabilities receive equal protection under the law as guaranteed by the Fourteenth Amendment.
2. Effective enforcement of the ADA and Section 504 is crucial for upholding the rights of individuals with disabilities. This case provides the Court an opportunity to reinforce the standards for compliance with these important legal protections.
3. The Supreme Court's intervention is necessary to clarify the obligations of public entities under the ADA and Section 504, particularly regarding what constitutes "reasonable accommodations" in both educational and judicial contexts.

#### **D. Implications of Denial of Certiorari**

Denial of certiorari would not only leave in place the lower court's rulings that misapply federal disability rights laws but also perpetuate the existing disparities in how these laws are enforced across the country. Such an outcome could undermine public confidence in the legal system's ability to equitably protect the rights of disabled individuals and could lead to a broader erosion of these rights.

The issues raised in this petition are of profound importance not only to the Petitioner but to the millions of Americans living with disabilities. The principles at stake—access to education, fair treatment in judicial proceedings, and the fundamental rights to due process and equal protection—are cornerstone guarantees of American law. As such, this Court's review is essential to ensure these principles are upheld and that the protections intended by the ADA and Section 504 are fully realized. The Petitioner respectfully urges the Court to grant certiorari to address these urgent and significant legal questions.

### **X. REASONS FOR GRANTING THE PETITION**

#### **A. Ensuring Compliance with the ADA and Section 504**

The petitioner's experiences underscore a troubling disregard for the rights guaranteed under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. These laws are pivotal in ensuring that individuals with

disabilities receive reasonable accommodation necessary to fully participate in all aspects of society, including the judicial process. The lower courts' failure to properly apply these protections has broader implications, suggesting a potential systemic issue in the enforcement of disability rights within judicial and educational institutions.

#### **Legal Precedents and Provisions:**

- **ADA Title II** mandates that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity" (42 U.S.C. § 12132).
- **Section 504** states that any program receiving federal assistance must ensure that the needs of persons with disabilities are met as adequately as the needs of the non-disabled (29 U.S.C. § 794).
- In **Olmstead v. L.C.**, the Supreme Court held that unjustified segregation of persons with disabilities constitutes discrimination in violation of Title II of the ADA.

The petitioner's case presents a clear scenario where these legal standards were not met, warranting a review to reinforce and clarify the application of these crucial laws.

#### **B. Protection of Constitutional Rights**

This case also presents significant constitutional questions under the Fourteenth Amendment, which guarantees due process and equal protection under the law. The petitioner's inability to participate meaningfully in her defense due to inadequate accommodation directly challenges her rights to a fair trial and to access the court on equal terms with other citizens.

#### **Constitutional Framework:**

- The suppression of the Petitioner's **First Amendment rights** forms a critical basis for granting this petition. The accuser's mischaracterization of the Petitioner's lawful advocacy and reporting of misconduct as harassment egregiously infringes upon her freedom of speech. The Petitioner utilized social media platforms to seek community support and legal aid, a modern means of petitioning for redress of grievances, which is a fundamental right protected by the First Amendment. However, these efforts were also maliciously twisted as acts of harassment by Ms. Jones, further demonstrating a calculated attempt to silence, punish and maliciously prosecute the Petitioner for utilizing her constitutional rights. This twisting of legitimate exercises of free speech into allegations of harassment not only undermines the democratic values of freedom of expression and advocacy but also highlights the urgent need for this Court's intervention to reaffirm and protect these fundamental rights, particularly for individuals in vulnerable positions.

The safety of the children in Garnet Valley School District is at stake, but the Pennsylvania State Police and state courts are impotent toward this

school district. There is an urgent need for the federal government to intervene to ensure students' safety in this district.

- The **Fourteenth Amendment** is critical in safeguarding the rights of all citizens, especially those belonging to vulnerable populations, against unfair or discriminatory treatment by state entities.
- Supreme Court precedent in **Tennessee v. Lane** recognized the importance of ensuring access to court services for individuals with disabilities, aligning with the fundamental principles of due process and equal protection.

### **C. Promoting Uniformity in the Law**

The discrepancies in how lower courts handle ADA and Section 504 requirements suggest a lack of uniformity that can lead to unequal treatment of disabled individuals across different jurisdictions. The Supreme Court's intervention is necessary to establish clear, consistent guidelines for what constitutes reasonable accommodations, particularly in educational settings and judicial proceedings.

#### **Need for Supreme Court Guidance:**

- Uniform standards are essential to prevent a postcode lottery where the rights and accommodations an individual receives depend heavily on geographical location or the specific court in which a case is heard.
- Clear guidance from the Supreme Court would help lower courts more effectively implement ADA and Section 504 provisions, ensuring fair and equal treatment across the board.

### **D. Addressing a Matter of Broad Public Importance**

The issues at stake in this petition transcend the immediate interests of the parties involved and touch upon the fundamental rights of an entire class of citizens. Ensuring that individuals with disabilities can access public services and legal protections without discrimination is a matter of broad public importance.

#### **Broader Implications:**

- This case serves as a vital benchmark for the rights of disabled individuals in the U.S., potentially impacting millions of people.
- It offers the Supreme Court an opportunity to make a profound and positive impact on the lives of those living with disabilities by affirming their rights and the government's obligations under the ADA and Section 504.

Given the significant legal questions raised, the potential for broad impact on national disability rights law, and the need to ensure that constitutional guarantees are upheld, this petition for a writ of certiorari should be granted. The Supreme Court has both an opportunity and an obligation to rectify the issues presented, ensuring justice not only for the petitioner but for all individuals with disabilities facing similar challenges.

## XI. CONCLUSION

This petition for a writ of certiorari comes before this Honorable Court not merely as a redress for an individual grievance but as a pivotal opportunity to reaffirm and enforce the fundamental rights and protections afforded under the United States Constitution and statutory law to individuals with disabilities. The experiences of the Petitioner, Irena Shie, expose a critical gap in the enforcement and application of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, underscoring a systemic issue that affects the broader disabled community's access to justice and education.

The failure of the Pennsylvania courts to provide necessary accommodations—despite clear, repeated requests and an undeniable need—represents a breach of both statutory mandates and constitutional guarantees. This failure has not only undermined the Petitioner's ability to participate fully in her defense but also signals a disturbing disregard for the rights of individuals with disabilities, setting a precedent that could lead to further inequities.

The broader implications of this case cannot be overstated. Each day that these issues remain unaddressed is a day that justice is denied not only to the Petitioner but to all similar individuals who might feel the chilling effect of a system that does not adapt to accommodate their needs. The Supreme Court's guidance is urgently needed to ensure consistent and fair application of the ADA and Section 504 across all jurisdictions, thus preventing a patchwork of rights and accommodations that varies from one state to another.

By granting this writ of certiorari, this Court has the opportunity to make a substantial and positive impact on the lives of millions of Americans with disabilities, reaffirming their rights and the nation's commitment to ensuring equal access to justice for all its citizens, regardless of their physical or mental challenges. Therefore, we respectfully urge the Court to grant this petition, thereby reinforcing the importance of accessibility, equality, and justice in every aspect of American life.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Irena Shie". The signature is fluid and cursive, with "Irena" on the left and "Shie" on the right, connected by a single horizontal line.

Irena Shie

June 1, 2024