

No. 24A787

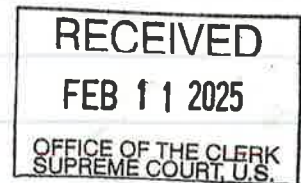
In The
Supreme Court Of The United States

Tonia Scott - Petitioner

VS.

Commonwealth of Pennsylvania, et al. - Respondents.

Petitioner's Application for Relief or
Bail to be Reviewed by Justice
Samuel A. Alito, Jr.



To the Honorable Justice Samuel A. Alito, Jr.,

Petitioner Tonia Scott respectfully represents that:

1. The Petitioner is being illegally confined and deprived of her liberty in the illegal and unlawful custody of Respondent Superintendent Wendy Nicholas of SCI Muncy, located at 6454 Route 405, Muncy, PA 17756; since said date of August 8, 2023, and is still so unlawfully confined and

deprived of her liberty. As such, Petitioner pleads to your HONOR, for a bail condition or home detention relief, in ACCORDANCE to Supreme Court Rules 20, 22 AND 36.

2. Petitioner is appealing her judgments, for a "Writ of Habeas Corpus," Scott v. Commonwealth of Pennsylvania, No. 24-CV-0041, U.S. District Court for the Middle District of Pennsylvania. Judgment entered February 29, 2024, in which the Court denied Petitioner relief due to "failure to exhaust state remedy." AND in Scott v. Commonwealth of Pennsylvania, No. 24-1465, U.S. Court of Appeals for the Third Circuit. Judgment entered June 25, 2024, in which the Court denied Petitioner relief for an "Application for a Certificate of Appealability," due to failing to make a "substantial showing of the denial of a constitutional right." In addition, Petitioner's "Petition for Rehearing" was denied in Scott v. Commonwealth of Pennsylvania, No. 24-1465, U.S. Court of Appeals for the Third Circuit. Judgment entered September 27, 2024. See Exhibit A, Exhibit B AND Exhibit C

3. In Petitioner's "Application for (a) Writ of Habeas Corpus," in Scott v. Commonwealth of Pennsylvania, No. 24-CV-0041, U.S. District Court for the Middle District of Pennsylvania; Petitioner has always indicated that "extraordinary circumstances," "28 USC § 2254 (B) (1) (b)" AND a "fundamental miscarriage of Justice" applies to her matter, as a remedy

to Petitioner's failure to exhaust State remedy. As such, Petitioner believes that her "Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit" will be "reversing district court's denial of habeas petition because defendant had shown reasonable jurists could conclude that the district court's procedural rulings were wrong." See SLACK v. MC DANIEL, 529 US 473, 484, 489, 120 S.Ct. 1595, 1604, 1606-1067, 146 L.Ed.2d 542, 555, 558 (2000).

4. Petitioner petitioned the U.S. District Court of the Middle District of Pennsylvania for a "Writ of Habeas Corpus," from a Common Court of Pleas of Pike County, Pennsylvania conviction on May 19, 2023 and on June 27, 2023, Petitioner was sentenced to 44-94 years of incarceration for the below Pennsylvania Crime Code offenses:

- A. At docket NO. CR-096-2020, Defendant Trespass;
- B. At docket NO. CR-687-2019: Count 1, terrorism; count 2, criminal conspiracy to commit terrorism; count 3, kidnapping; count 4, kidnapping; count 5, criminal conspiracy to commit kidnapping; count 6, false imprisonment; count 7, unlawful restraint; count 8, robbery; count 9, robbery; count 10, robbery; count 11, robbery; count 12, robbery; count 13, robbery; count 14, robbery; count 15, robbery of a motor vehicle; count 16, robbery of a motor vehicle; count 17,

criminal conspiracy to commit robbery; count 18, theft by unlawful taking or disposition; count 19, criminal attempt to commit theft by unlawful taking; count 20, criminal conspiracy to commit theft by unlawful taking; count 21, burglary; count 22, criminal conspiracy to commit burglary; count 23, criminal trespass; count 24, criminal mischief; count 25, terroristic threats; count 26, terroristic threats; count 27, terroristic threats; count 28, aggravated assault; count 29, simple assault; count 30, simple assault; count 31, simple assault; count 32, recklessly endangering another person; count 33, recklessly endangering another person.

5. Petitioner declares that she may prevail in her relief for a writ of habeas corpus because petitioner is illegally and unlawfully (falsely) imprisoned at SCI Muncie to serve a duration of 44 9/17 years of incarceration from an order that came from the Common Court of Pleas of Pike County. This order was made by a court without personal and/or subject matter jurisdiction, relating to Petitioner (who is a Saw Creek and Pine Ridge Indian Communities tribal member and official) and/or conduct by Petitioner on the SCPRIC Reservation (tribal lands). "State Courts generally have No jurisdiction to try Indians for conduct committed in Indian Country." See *Negonsott v. Samuels*, 507 U.S. 99, 102-103 (1993). See *Scott v. Commonwealth of Pennsylvania*, No. 24-1465, U.S. Court

of Appeals for the Third Circuit. Filing "Motion to File Exhibits to the Petition for Rehearing" Exhibits 1 and Exhibit 2.

6. Petitioner's informations, in which she was convicted and sentenced upon, stated that the "alleged" offenses occurred in Pine Ridge. Yet Pine Ridge is Indian titled and recorded in the Pike County Office of Land Records as part of the Indian Reservation, known as the Saw Creek and Pine Ridge Indian Communities Reservation (Instrument No. 201700001002). The SCPRIC Tribal Government never contracted with the Commonwealth of Pennsylvania for assumption of criminal and/or civil jurisdiction of the SCPRIC Reservation and/or conduct by the SCPRIC Tribal members on the SCPRIC Reservation, in accordance to 25 USC §§ 1321 and 1322. Neither has there ever been a special election by the SCPRIC Tribal members for the Commonwealth of Pennsylvania to obtain civil and/or criminal jurisdiction of the SCPRIC Reservation and/or conduct by the SCPRIC Tribal members on the SCPRIC Reservation, pursuant to 25 USC § 1326. Furthermore, according to the laws of Pennsylvania, Pa. R. Cr. P. 560 (B) and (D), technically, Petitioner was never convicted because Petitioner's informations that were used at her trial to convict her were invalid. Due to the fact that the location listed on her informations, relating to Petitioner's "alleged" offenses were not in Pike County's (the Commonwealth of Pennsylvania) jurisdiction, which is a violation of Art. 3 § 2, cl 3 and the 10th Amendment of

the federal constitution. See *Scott v. Commonwealth of Pennsylvania*, No. 24-1465, U.S. Court of Appeals for the Third Circuit, Filing, "Motion to File Exhibits to the Petition for Rehearing," Exhibit 3, Exhibit 24 and Exhibit 29

7. As such, Petitioner feels that her conviction will be vacated AND she will be discharged from her illegal confinement. See *Ex parte YARBROUGH*, 110 U.S. 651, 28 L. Ed. 274, 4 Sup. Ct. Rep. 152; *Ex parte FISK*, 113 U.S. 713, 28 L. Ed. 1117, 5 Sup. Ct. Rep. 724; *Re Myers*, 123 U.S. 443, 485, 31 L. Ed. 216, 223, 8 Sup. Ct. Rep. 164; *Hagen v. Utah*, 510 U.S. 399, 127 L. Ed. 2d 252, 114 S. Ct. 958 (1994); cf. *Negonsott v. Samuels*, 507 U.S. 99, 103, 122 L. Ed. 2d 457, 113 S. Ct. 1119 (1993); *Washington v. CONFEDERATED BANDS AND Tribes of YAKIMA NATION*, 439 U.S. 463, 471-474, 58 L. Ed. 2d 740, 99 S. Ct. 740 (1979).
8. IN *Ex parte Young*, 209 U.S. 123, 150, 159, 28 S. Ct. 441, 52 L. Ed. 714 (1908), "*Ex parte Royall*, 117 U.S. 241, 29 L. Ed. 868, 76 Sup. Ct. Rep. 734 AND other cases, that affirm the authority of a federal court, under existing statutes, to discharge upon habeas corpus, from the custody of a State officer, one who is held, in violation of the federal constitution for an alleged crime against a State... If he is, then the State officer holding him in custody is a trespasser... Id at 209 U.S. 198-199.
9. As such, Petitioner pleads for bail or home detention (relief),

IN ACCORDANCE TO 18 USC (3142(b), (release on personal recognizance OR UNSECURED APPEARANCE BOND) OR 18 USC (3142(c), (release on a condition OR combination of conditions).

10. Docketed in Scott v. Commonwealth of Pennsylvania No. 24-1465, U.S. Court of Appeals for the Third Circuit. Filing, "Petition for Bail", entered July 2, 2024, is a petition for bail by the SEPRIC Tribal Council relating to a secured collateral bond of a 2818 CARAT, NATURAL EMERALD with AN APPRAISAL VALUE OF \$1,432,163, based on a MARCH 2014 VALUATION (currently, the value has almost double), for the SEPRIC Tribal members/officials, TONIA SCOTT AND KEEBA SCOTT HARRIS release. "Where Petitioner, who was not released on bail pending appearance before court, petitioned for writ of habeas corpus AND was released on bail by court pending hearing on writ, fact that Petitioner was at large on bail did not prevent hearing AND decision on writ". See Reis v. United States Marshal, 192 F. Supp. 79, 1961 U.S. Dist. LEVIS 3091 (E.D. PA 1961).

11. Petitioner entreats to please take into consideration upon your decision, the below.

A. Petitioner is a Tribal member/official of a New York State, Pennsylvania AND Federally recognized AMERICAN INDIAN Tribe, KNOWN AS THE SAND CREEK AND PINE RIDGE INDIAN

Communities; (See Scott v. Commonwealth of Pennsylvania, No. 24-1465, U.S. Court of Appeals for the Third Circuit. Filing, "Motion to File Exhibits to the Petition for Rehearing," Exhibit 7, Exhibit 8, Exhibit 9, Exhibit 15, Exhibit 21 AND Exhibit 27)

B. Petitioner is 54 years of age AND PRIOR to the present "conviction," the Petitioner WAS NEVER CONVICTED OF ANY CRIME;

C. Upon release from bail OR home detention (relief), Petitioner will be residing with her biological mother AND siblings AT 1735 MADISON AVENUE #13E, New York, New York 10029; (T) 212-369-6019 / (C) 917-689-0107;

D. Petitioner's family AND SCPREC Tribal members need her assistance AND support, AS Petitioner is their Principal Chief;

E. Petitioner will in NO way fail to promptly comply with the conditions of her bail OR home detention;

F. If bail is preferred, Petitioner desires that bail be set in her case AS she is entitled UNDER the 8th Amendment of the Federal Constitution.

Wherefore, Petitioner Tonia Scott request that the bail or home detention be set, in accordance to Supreme Court Rule 22 and Allow Petitioner bail or home detention pending her judgment of Petitioner's "Application for Writ of Habeas Corpus".

Wherefore, Petitioner declares that the enclosed application was given to SCT Muncy staffers for mailing on 12-4-2024. If this application is early or late, Petitioner pleads to the court to file Petitioner's application, in accordance to Supreme Court Rule 13.5, for an extension of time, due to extraordinary circumstances. Presently, Petitioner is incarcerated at SCT Muncy, as such, Petitioner has NO control of when mail is actually taken to the United States Post Office.

Respectfully Submitted,

Tonia Scott

12-4-24
Date

Tonia Scott, Petitioner
SCT Muncy
6454 Route 405, P.O. Box 180
Muncy, PA 17756
ID# PE 6818