

08-381-CD  
DCNR vs Jason T. Bricen

FILED *Pd \$95.00  
AA*  
M/11:36 AM *2CC A/HY*  
MAR 05 2008

William A. Shaw  
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

PENNSYLVANIA

CIVIL ACTION - (LAW)

NO. 08-381-CD

Type of Case: Civil

Type of Pleading: Complaint

Commonwealth of Pennsylvania  
Dept. of Conservation & Natural Resources  
Plaintiff

Filed on Behalf of:  
Dept. of Conservation & Natural Resources  
(Plaintiff)

Jason T. Bricen  
Defendant

Counsel of Record for this Party:  
Virginia Davison  
(Name of Attorney)

Supreme Court No.: 4417

Dept. of Conservation & Natural Resources  
(Firm name, if any)

400 Market Street, Harrisburg, PA 17105-8767  
(Address)

(717) 772-4171  
(Phone)

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :  
DEPARTMENT OF CONSERVATION :  
AND NATURAL RESOURCES, :  
Plaintiff :  
v. : No.  
JASON T. BRICEN, :  
Defendant :  
:

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and Notice are served, by entering a written appearance personally, or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and Judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU  
DO NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR  
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU  
CAN GET LEGAL HELP.**

Clearfield County Court Administration  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES,

Plaintiff

v.

No. 08-381-CD

JASON T. BRICEN,

Defendant

ORDER

NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, 2008, in  
consideration of the defendant's guilty plea to unlawful taking of timber valued at  
\$5,839.56 from the plaintiff's forest, defendant is ordered to pay to plaintiff,  
Department of Conservation and Natural Resources, \$5,839.56, by certified check,  
within ten (10) days of the date cited above.

---

J.

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

COMMONWEALTH OF PENNSYLVANIA, :  
DEPARTMENT OF CONSERVATION :  
AND NATURAL RESOURCES, :  
: Plaintiff :  
: :  
: v. : No.  
: :  
: :  
JASON T. BRICEN, :  
: : Defendant :  
: :

COMPLAINT

1. Plaintiff, Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, is the Commonwealth agency which is charged with the duty and authority to manage the Commonwealth's state-owned forests. The Conservation and Natural Resources Act, Act of June 28, 1995, P. L. 89, No. 18 (71 P. S. § 1340.101 et seq.) (CNRA). Among the forest owned and managed by the Department is Moshannon State Forest.

2. Jason T. Bricen is a Pennsylvania resident whose last known address is 671 Hoovertown Road, Penfield, PA 15849.

## BACKGROUND

3. Among the duties and authorities granted to the Department by the CNRA, is that of removing and disposing of state forest timber when it appears to the Department that doing so will benefit the forest. The CNRA at Section 1340.302(a) (6).

4. The right to determine that timber should be removed from the state forests is to be exercised exclusively by the Department.

5. Defendant Jason T. Bricen, without the permission of the Department, removed timber valued by the Clearfield County Court of Common Pleas, Criminal Division, at five thousand, eight hundred thirty-nine dollars and fifty-six cents. (\$5,839.56) from the Moshannon State Forest.

6. The General Assembly authorizes the Department, as the owner of the timber removed from the state forest, to obtain "damages from a person who cuts or removes timber of another person without the consent of that person." 42 Pa. C.S. § 8311 (a) (the timber conversion statute). The timber conversion statute states the following:

(a) General rule – In lieu of all other damages or civil remedies provided by law, a person who cuts or removes the timber of another person without the consent of that person shall be liable to that person in a civil action for an amount of damages equal to:

(1) the usual and customary cost of establishing the value of the timber cut or removed and of complying with the erosion and sedimentation control regulations contained in 25 Pa. Code Ch.102 (relating to erosion control);

(1.1) the cost of any surveys obtained in connection with the civil action; and

(2) one of the following:

- (i) three times the market value of the timber cut or removed if the act is determined to have been deliberate;
- (ii) two times the market value of the timber cut or removed if the act is determined to have been negligent; or
- (iii) the market value of the timber cut or removed if the defendant is determined to have had a reasonable basis for believing that the land on which the act was committed was his or that of the person in whose service or by whose direction the act was done.

7. The same statute in Section (b), reduces the damages available under 42 Pa. C.S. § 8311 (a) by any restitution paid under 18 Pa. C.S. § 1107.

COUNT 1

8. The allegations of paragraphs 1 through 7 are incorporated herein as if they were set forth again.

9. After his arrest on April 27, 2006, defendant Bricen entered a guilty plea to, among other things, theft by unlawful taking. (The arrest report, the information, the affidavit of probable cause, and the Court's sentencing order are attached.) The Court ordered Mr. Bricen to pay to DCNR \$11,679.12 in restitution, double the value of the converted timber.

10. The Department seeks single damages, the market value of the timber, from Mr. Bricen and submits Mr. Bricen's guilty plea as the proof for its request.

11. The award of the value of the timber will make DCNR whole under the authority of 42 Pa. C.S. § 8311.

WHEREFORE, Defendant, Jason T. Bricen, having pleaded guilty to the unauthorized removal from Mcshannon State Forest timber valued at \$5,839.56, and having been ordered by the Clearfield County Court to pay to DCNR \$11,679.12, the Department prays that this Court will order the defendant to pay that amount to the Department, in order to give the Department the triple damages available under 42 Pa. C.S. § 8311(a).

Respectfully submitted,

Virginia J. Davison  
Assistant Counsel  
Department of Conservation and  
Natural Resources  
400 Market Street, PO Box 8767  
Harrisburg, PA 17105-8767  
Telephone: 717-772-4171

VERIFICATION

I certify that the facts noted in the attached complaint are accurate to the best of my knowledge and information. I am aware of the penalties which are related to unsworn falsification to officials.

Daniel A. Devlin

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: CLEARFIELD

14,878



POLICE  
CRIMINAL COMPLAINT

Magisterial District Number: 46-3-01

District Justice Name: Hon. Patrick N. Ford

Address: 309 Maple Avenue, P.O. Box 452  
DuBois, PA 15801

Telephone: (814) 371 - 5321

FILED

Docket No.: CR-147-06 MAY 10 2006  
Date Filed: 04-27-06 William A. Shaw  
Prothonotary/Clerk of Courts  
OTN: K2260742

Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	Defendant's Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	Defendant's D.O.B. 7/21/78	Defendant's Social Security Number 191-62-3781	Defendant's SID 331-80-51-9
Defendant's A.K.A.		Defendant's Vehicle Information:		
		PLATE NUMBER YTB 0145	STATE PA	REGISTRATION STICKER (MMYY) 01/06
		STATE PA	24 600 661	Defendant's Driver's License Number
Complaint/Incident Number 06090093, 06090094, 06090095, 06090096, 06090097		Complaint/Incident Number if other Participants 06090093, 06090094, 06090095, 06090096, 06090097		
		UCR/NIBRS Code		

District Attorney's Office  Approved  Disapproved because:

(The district attorney may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing.  
Pa.R.Cr.P. 107)

(Name of Attorney for Commonwealth – Please Print or Type)

(Signature of Attorney for Commonwealth)

(Date)

I, Michelle A. Billotte

400

(Officer Badge Number/I.D.)

of, D.C.N.R. - BUREAU OF FORESTRY, DISTRICT #09

BOFD906001

(Identity Department or Agency Represented and Political Subdivision)

(Originating Agency Case Number (OCA))

do hereby state: (check the appropriate box)

1.  I accuse the above named defendant who lives at the address set forth above  
 I accuse the defendant whose name is unknown to me but who is described as

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have  
therefore designated as John Doe

OCT 01 2007

Attest.

William A. Shaw  
Prothonotary/  
Clerk of Courts

with violating the penal laws of the Commonwealth of Pennsylvania at

Moshannon State Forest District #09 off of the Snub Rope Trail in Huston Township

in CLEARFIELD

County on or about 04/27/2006 at 1045 hours

Participants were: (if there were participants, place their names here, repeating the name of the above defendant)

JASON THOMAS BRICEN and CHRISTOPHER MICHAEL PESCE

2. The acts committed by the accused were:

(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated,  
without more, is not sufficient, in a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

Theft by unlawful taking or disposition §3921 (a) F3 – A person is guilty of theft if he unlawfully takes, or exercises  
unlawful control over, movable property of another with intent to deprive him thereof; to wit, the defendant JASON T. BRICEN  
unlawfully removed " diameter cherry tree from the Moshannon State Forest with the intent to deprive the Commonwealth of  
Pennsylvania there of.

Receiving stolen property §3925 (a) F3 - A person is guilty of theft if he intentionally receives, retains, or disposes of  
movable property of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property  
is received, retained, or disposed with intent to restore it to the owner; to wit, the defendant JASON T. BRICEN, received and  
retained a stolen cherry tree which was the property of the Commonwealth of Pennsylvania without intent to restore it to the  
owner.

AOPC 412-(6/96)

5 (trees)  
amended  
5-5-06 PNF

1-2

EXHIBIT

A

Defendant's Name: JASON THOMAS BRICEN

Docket Number: CR-147-06



**POLICE  
CRIMINAL COMPLAINT**

**Driving while operating privilege is suspended or revoked §1543 (a)** – Any person who drives a motor vehicle on a highway or traffic way of this Commonwealth after the commencement of suspension, revocation or cancellation of the operating privilege and before the operation privilege has been restored is guilty of a summary offense; to wit, the defendant operated a white 1997 Ford pickup bearing PA registration YMV 0423 and V.I.N. 2FTEX08L4VCA57785 on Evans Fire Road, Nolan Road Rogers Lane, and Hoovertown Road (State Route 153) after the commencement of suspension of his operating privilege and before his operation privilege has been restored.

**Required financial responsibility §1786 (a)** – Every motor vehicle of the type required to be registered under Title 75 which is operated or currently registered shall be covered by financial responsibility; to wit, the defendant operated a white 1997 Ford pickup bearing PA registration YMV 0423 and V.I.N. 2FTEX08L4VCA57785 on Evans Fire Road, Nolan Road Rogers Lane, and Hoovertown Road (State Route 153) which was not covered by financial responsibility.

**Registration and certificate of title §1301 (a)** – No person shall drive or move and no owner or motor carrier shall knowingly permit to be driven or moved upon any highway any vehicle which is not registered in this Commonwealth unless the vehicle is exempt from registration; to wit, the defendant drove a white 1997 Ford pickup bearing PA registration YMV 0423 and V.I.N. 2FTEX08L4VCA57785 on Evans Fire Road, Nolan Road Rogers Lane, and Hoovertown Road (State Route 153) which was not registered in this Commonwealth and was not exempt from registration.

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1. <u>3921</u> (Section)	<u>(a)</u> (subsection)	of the <u>18 Pa C.S.A.</u> (PA Statute)	<u>3</u> I <u>M.A.B.</u> (Counts)
2. <u>3925</u> (Section)	<u>(a)</u> (Subsection)	of the <u>18 Pa C.S.A.</u> (PA Statute)	<u>1</u> M.A.B. (Counts)
3. <u>1543</u> (Section)	<u>(a)</u> (Subsection)	of the <u>75 Pa C.S.A.</u> (PA Statute)	<u>1</u> (Counts)
4. <u>1786</u> (Section)	<u>(a)</u> (Subsection)	of the <u>75 Pa C.S.A.</u> (PA Statute)	<u>1</u> (Counts)

I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)

3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S. § 4904) relating to unsworn falsification to authorities.

(Signature of Affiant)

AND NOW, on this date 4/27/06, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

(Magisterial District)

(Issuing Authority)

SEAL

Defendant's Name: JASON THOMAS BRICEN

Docket Number:

CR-147-06



POLICE  
CRIMINAL COMPLAINT

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1.	<u>1301</u> (Section)	<u>(a)</u> (subsection)	of the	<u>75 Pa C.S.A.</u> (PA Statute)	<u>1</u> (Counts)
2.	<u>                  </u> (Section)	<u>                  </u> (Subsection)	of the	<u>                  </u> (PA Statute)	<u>                  </u> (Counts)
3.	<u>                  </u> (Section)	<u>                  </u> (Subsection)	of the	<u>                  </u> (PA Statute)	<u>                  </u> (Counts)
4.	<u>                  </u> (Section)	<u>                  </u> (Subsection)	of the	<u>                  </u> (PA Statute)	<u>                  </u> (Counts)

I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)

3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S. § 4904) relating to unsworn falsification to authorities.

Michael A. Bellino

(Signature of Affiant)

AND NOW, on this date 4-27-06, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

96-3-03

(Magisterial District)

M. Bellino **SEAL**

(Issuing Authority)

Defendant's Name: JASON THOMAS BRICEN

Docket Number:

CR-147-06



POLICE  
CRIMINAL COMPLAINT

AFFIDAVIT of PROBABLE CAUSE

On 04/27/2006 at approximately 10:45 hours while on patrol on foot in the Moshannon State Forest near Snub Rope Trail in Huston Township, Clearfield County, D.C.N.R. Ranger GERALD STOVER heard the sound of a chain saw. From his location, Ranger STOVER could see an older blue Ford pickup and a newer white Ford pickup. He could see logs in the bed of each truck. One of the logs in the bed of the white Ford pickup truck had orange material attached to the end. Ranger STOVER saw two male individuals. One of the individuals was wearing a white hat and a white shirt and jeans. The other individual was wearing a black hat and a black shirt and jeans.

Ranger STOVER contacted me at my residence on my cell phone. He advised me of the situation. I immediately responded to my office. En route to the Moshannon State Forest District office, I spoke with Ranger STOVER by cell phone. Ranger STOVER saw the blue Ford pickup and the white Ford pickup travel off of the Oak Snub Trail onto the Evans Fire Road. He saw the vehicles being operated north on Evans Fire Road, east on Nolan Road, east on Rogers Lane, then south on Hoovertown.

At 11:09 hours, I responded to the scene in marked police vehicle J-90 (Equipment #: 014-33-0016 V.I.N.: 1GKEK13R2XJ729271). I contacted Ranger STOVER by cell phone and advised him that I was responding north along State Park Road (State Route 153). He advised that the actors had been traveling south along Hoovertown Road.

I saw an older blue Ford pickup at 671 Hoovertown, Penfield, PA 15849. I could see a log in the back of the vehicle. I turned around at Mount Pleasant Road and then traveled south along Hoovertown Road. I contacted Ranger STOVER by radio and advised him of what I saw and of a location. At 11:32 hours, I arrived at 671 Hoovertown Road, Penfield, PA 15849.

Upon my arrival, I saw an older blue Ford pickup with a cherry log in the bed of the truck. There was another log on the ground off of the south side of the driveway and fresh tire marks in the grass. There was a white Ford pickup on the west end of the driveway. There were two adult males, one adult female, and one juvenile male present.

I exited my vehicle and approached the two adult males. I identified myself. I advised the two adult males that they had been seen traveling along Nolan Road with the trees in the back of the trucks. The one adult male individual later identified as JASON T. BRICEN stated that they had been in Kersey, PA and that is where they cut the trees. BRICEN was wearing a white shirt and a white hat. I asked the individuals for identification. BRICEN could only produce a 2004 Pennsylvania Fishing License. The other adult male individual identified as CHRISTOPHER MICHAEL PESCE produced a PA Identification Card. PESCE was wearing a black hat and a black shirt.

The blue Ford pickup had PA registration plate YTB 0145 affixed the rear of the vehicle. The V.I.N. was 2FTFF13F5ECA53222. There was a temporary validation paper hanging in the rear window. The white Ford pickup had PA registration YMV 0423 affixed to the rear of the vehicle. Expiration sticker 01/06 was affixed to the registration plate. The V.I.N. was 2FTEX08L4VCA57785. There was no inspection sticker on the windshield of the white Ford pickup.

At 11:40 hours, Ranger STOVER arrived at the 671 Hoovertown Road, Penfield, PA 15849A check of license information on the two individuals through the Clearfield County Control 9-1-1 Center revealed that BRICEN and PESCE were both suspended. I was also advised that BRICEN was on the Domestic Relations warrant list. A check of registration information confirmed that the registration for the white Ford pickup expired 01/06. BRICEN was the registered owner of the vehicle. PESCE was not the registered owner of the blue Ford pickup truck. I requested registration and insurance information from BRICEN and PESCE. BRICEN did not have a valid registration card or valid proof of liability insurance. PESCE stated that he and his wife just bought the vehicle. PESCE could not produce registration information. PESCE could not provide proof of liability insurance for the blue Ford. He said that it was not yet insured.

I, MICHELLE A. BILLOTTE, BEING DULY SWORN ACCORDING TO  
LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Micelle A. Billotte

(Signature of Affiant)

Sworn to me and subscribed before me this

27<sup>th</sup> day of April, 2006

4/27/06 Date

M. Billotte

, District Justice

My commission expires first Monday of January, 2012

SEAL

Defendant's Name: JASON THOMAS BRICEN

Docket Number: CR-147-06



POLICE  
CRIMINAL COMPLAINT

AFFIDAVIT of PROBABLE CAUSE

BRICEN stated that they had cut the trees in Kersey, PA on the property of STEVE VEONI. He showed a journal book to me with a written statement stating he had permission to cut on VEONI property. I asked if they had been on Evans Fire Road or Nolan Road. BRICEN said no. I asked if they had been on any dirt roads off Hoovertown Road from the Boone Mountain Road intersection to our present location. BRICEN said no.

According to a written statement provided by ANGELA TAMASKI on 04/27/06 at 13:25 hours, "CHRIS" drove the blue Ford pickup and "JASON" drove the white Ford pickup.

Domestic Relations Officer ROBERT MURRAY arrived at 671 Hoovertown Road, Penfield, PA 15849. At 12:17 hours, we arrested BRICEN and PESCE.

On 04/27/06, Forester MELVIN JOHNSON of the Moshannon State Forest went to Snub Rope Trail. Forester JOHNSON found five trees had been cut.

Tree #1 was a black cherry that was 24 inches in diameter at breast height. It contained 4.5 logs (each log is 16 feet in length). Estimated board feet was 794. Current value is \$1500.00/manufactured board foot. Total estimated value: \$1191.00 **1637.80** **2062.73**

Tree #2 was a black cherry that was 21 inches in diameter at breast height. It contained 4.0 logs (each log is 16 feet in length). Estimated board feet was 512. Current value is \$1500.00/manufactured board foot. Total estimated value: \$768.00 **1056.11** **2062.73**

Tree #3 was a black cherry that was 24 inches in diameter at breast height. It contained 5.0 logs (each log is 16 feet in length). Estimated board feet was 845. Current value is \$1500.00/manufactured board foot. Total estimated value: \$1267.50 **1743.00** **2062.73**

Tree #4 was a black cherry that was 20 inches in diameter at breast height. It contained 4.5 logs (each log is 16 feet in length). Estimated board feet was 470. Current value is \$1500.00/manufactured board foot. Total estimated value: \$705.00 **839.53** **2062.73**

Tree #5 was a black cherry that was 18 inches in diameter at breast height. It contained 4.0 logs (each log is 16 feet in length). Estimated board feet was 273. Current value is \$1500.00/manufactured board foot. Total estimated value: \$409.50. No portion of this tree was removed. **5834.56** **2062.73**

Total value of all trees: \$4341.00 Total value of all trees: \$4341.00 **5834.56** **2062.73**  
Total restitution: \$8682.00 (double estimated value)

**\$11,679.12**

5-5-06  
12 amendments to  
amounts per foot

I, MICHELLE A. BILLOTTE, BEING DULY SWORN ACCORDING TO  
LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Micelle A. Billotte

(Signature of Affiant)

Sworn to me and subscribed before me this 27<sup>th</sup> day of April, 2006

4/27/06 Date

Micelle A. Billotte

, District Justice

My commission expires first Monday of January 2012

SEAL

**Jason Thomas Bricen -- Docket Number: CP-17-CR-0000487-2006**

TO WIT: On or about the above date, the actor and/or co-conspirator did unlawfully take or exercise unlawful control over five black cherry trees from the Moshannon State Forest and did intentionally receive, retain, or dispose of said cherry trees with no intent to restore them to the victim. Value of said trees being \$11,679.12.

All of which is against the Acts of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

Affiant: Ranger Michelle Billotte - DCNR Department of Forestry      J. Cf Blk III      District Attorney

Citation of Statute and Section:      18 Pa. C.S.A. 903 (a)(1) / 3921 (a)  
18 Pa. C.S.A. 3921 (a)  
18 Pa. C.S.A. 3925 (a)  
75 Pa. C.S.A. 1301 (a)  
75 Pa. C.S.A. 1543 (a)  
75 Pa. C.S.A. 1786 (f)

INFORMATION  
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

Criminal Action No. CP-17-CR-0000487-2006

COMMONWEALTH OF PENNSYLVANIA

VS.

JASON THOMAS BRICEN

FILED

MAY 30 2006

William A. Shaw  
Prothonotary/Clerk of Courts

The District Attorney of CLEARFIELD County, by this Information charges that on or about Thursday, the 27th day of April, 2006, and diverse times prior thereto in said County of CLEARFIELD, Jason Thomas Bricen did,

**COUNT I: CRIMINAL CONSPIRACY / THEFT BY UNLAWFUL TAKING**

**18 Pa. C.S.A. 903 (a)(1) / 3921 (a) -- Felony 3rd DEGREE**

DID conspire with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he/she agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime.

**COUNT II: THEFT BY UNLAWFUL TAKING-MOVABLE PROPERTY**

**18 Pa. C.S.A. 3921 (a) -- Felony 3rd DEGREE**

DID unlawfully take or exercise unlawful control over, movable property of another with the intent to deprive him/her thereof.

**COUNT III: RECEIVING STOLEN PROPERTY**

**18 Pa. C.S.A. 3925 (a) -- Felony 3rd DEGREE**

DID intentionally receive, retain, or dispose of movable property of another, specifically, knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with intent to restore it to the owner.

**COUNT IV: REGISTRATION & CERTIFICATE OF TITLE REQUIRED**

**75 Pa. C.S.A. 1301 (a) -- Summary**

**COUNT V: DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR**

**75 Pa. C.S.A. 1543 (a) -- Summary**

**COUNT VI: REQUIRED FINANCIAL RESPONSIBILITY**

**75 Pa. C.S.A. 1786 (f) -- Summary**

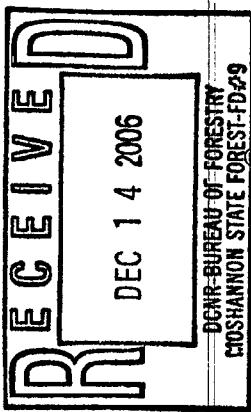
I hereby certify this to be a true and attested copy of the original statement filed in this case.

OCT 01 2007

Attest

William A. Shaw  
Prothonotary/  
Clerk of Courts

Michelle  
DCNR Billotte



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA \*  
vs.  
JASON T. BRICEN \* NO. 06-487-CRA

ORDER OF COURT

NOW, this 30th day of November, 2006, the defendant having entered pleas of guilt to criminal conspiracy to commit theft by unlawful taking, a felony of the third degree, theft by unlawful taking, a felony of the third degree, and summaries as will follow; he being fully and competently represented by counsel and the Court being satisfied that he has knowingly, voluntarily and intelligently entered said pleas, IT IS THE SENTENCE OF THIS COURT that on the charge of criminal conspiracy to commit theft by unlawful taking, he pay for the benefit of Clearfield County the sum of one dollar plus costs of prosecution; that he be and remain on probation under the supervision and control of the Pennsylvania State Board of Probation and Parole for a period of three years with said period to be served concurrent to Indictment No. 06-704-CRA. Effective immediately he shall refrain from the use and possession of alcoholic beverages and controlled substances. He shall attend and successfully complete any such counseling as recommended by his supervising parole officer and shall be responsible for all costs associated therewith. He shall not enter upon the property of the Moshannon State Forest and shall pay restitution in the amount of \$11,679.12 to the Commonwealth of Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry, District No. 9, 3372 State Park Road, Penfield, Clearfield County, Pennsylvania.

On the charge of theft by unlawful taking, a felony of the third degree, he shall pay to the benefit of Clearfield County the sum of one dollar plus costs of prosecution. He shall be and remain on probation under the supervision and control of the Pennsylvania State Board of Probation and Parole for a period of two years with said period to be served concurrent to the above charge of criminal conspiracy to commit theft by unlawful taking under the same terms and conditions.

On the summary violation of registration certificate of title required, he shall pay an \$85 fine plus costs.

On the summary violation of driving under suspension he shall pay a \$210 fine plus costs.

On the summary violation of required financial responsibility, he shall pay a \$310 fine plus costs of prosecution.

BY THE COURT:

/s/ Paul E. Cherry

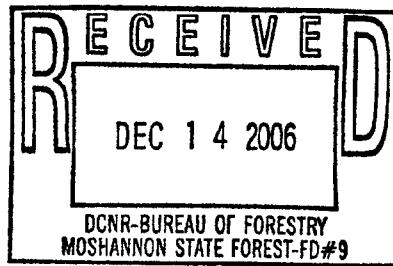
Paul E. Cherry Judge

I hereby certify this to be a true and attested copy of the original statement filed in this case.

DEC 05 2006

Attest.

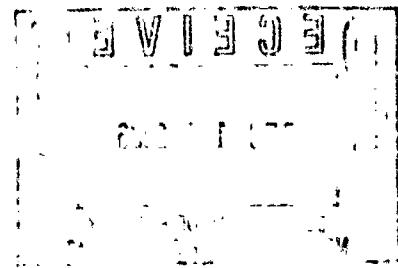
*William L. Cherry*  
Prothonotary/  
Clerk of Courts



**FILED**

**MAR 05 2008**

William A. Shaw  
Prothonotary/Clerk of Courts



RECEIVED  
DCNCR - CHIEF COUN  
07 SEP 24 AM 10:



**Pennsylvania Department of Conservation and Natural Resources**

---

7<sup>th</sup> Floor, Rachel Carson State Office Building  
P.O. Box 8767  
Harrisburg, PA 17105-8767

February 29, 2008

**Office of Chief Counsel**

**(717) 772-4171**  
**Fax: (717) 705-2830**

William Shaw  
Prothonotary  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

Re: DCNR v. Bricen  
DCNR v. Pesce

Dear Mr. Shaw:

Please accept the two enclosed Complaints for filing.

In addition to the Complaints and a copy of each, I have enclosed two checks for \$95.00 for your office (one for the cost of filing each case), two checks for the Clearfield County sheriff, and a check for the Elk County sheriff. I have been assured by your office that you can cash the filing checks even though they name the Commissioners as alternate payees.

The \$100.00 check will pay for your sheriff to deputize the Elk County sheriff, who will serve Michael Pesce at 395 Main Street in Kersey, Pennsylvania. The Elk County sheriff should receive the check for \$75.00. The second \$100.00 check will reimburse your sheriff for his expenses in serving Jason Bricen at 671 Hoovertown Road, Penfield, Pennsylvania. I have also been assured that the Clearfield sheriff's office can cash the service and deputizing checks even though those checks include the Commissioners as payees.

Please request that the Clearfield County sheriff serve a Complaint on defendant Bricen and that he deputize the Elk County sheriff so that the Elk County sheriff can serve a Complaint on defendant Pesce.

There is one check for \$100.00 and one check for \$75.00 for the sheriffs dated 09/25/2007, and another check for \$100.00 also for the sheriff dated 11/02/2007. Our

**Stewardship**

**Partnership**

**Service**

Comptroller suggests that these checks be cashed within 30 days. If you have any questions please call 717-772-4171.

Also enclosed please find letters for the Clearfield County sheriff and the Elk County sheriff.

Thank you for your help in this matter.

Sincerely yours,



Virginia J. Davison  
Assistant Counsel

Enclosure



COPY

JUDGE'S CHAMBERS  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA  
CLEARFIELD COUNTY  
230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

FREDRIC J. AMMERMAN  
PRESIDENT JUDGE

PAUL E. CHERRY  
JUDGE

JOHN K. REILLY, JR.  
SENIOR JUDGE

March 5, 2008

Virginia J. Davison  
Assistant Counsel  
Department of Conservation & Natural Resources  
400 Market Street, PO Box 8767  
Harrisburg, PA 17105-8767

Re: *Cmwlth v. Bricen* 08-381-CD  
*Cmwlth v. Pesce* 08-382-CD

Dear Ms. Davison:

I am in receipt of the above Complaints filed in the Court of Common Pleas of Clearfield County. After review of said Complaints, I must advise that they are unacceptable for further consideration due to the following deficiencies:

1. Neither Complaint contains your signature;
2. The Verification is ambiguous and insufficient as it does not identify who Daniel A. Devlin is and what is his basis for verifying the facts in the Complaint; and
3. Upon what authority are you asking the Court to require the Defendants to make payment by certified check within ten days of the date of a signed order?

Please submit corrected Complaints for filing and the additional information requested.

Sincerely,

A handwritten signature in black ink, appearing to read "Fredric J. Ammerman".  
Fredric J. Ammerman  
President Judge

cc: R. Wisor - Deputy Court Administrator  
W. Shaw - Prothonotary

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

~~MAR 05 2008~~

~~Attest,~~

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

PENNSYLVANIA

CIVIL ACTION - (LAW)

NO. 08-381-CD

Type of Case: Civil

Type of Pleading: Complaint

Commonwealth of Pennsylvania  
Dept. of Conservation & Natural Resources  
Plaintiff

Filed on Behalf of:

Dept. of Conservation & Natural Resources  
(Plaintiff)

Jason T. Bricen

Defendant

Counsel of Record for this Party:  
Virginia Davison  
(Name of Attorney)

Supreme Court No.: 4417

Dept. of Conservation & Natural Resources  
(Firm name, if any)

400 Market Street, Harrisburg, PA 17105-8767  
(Address)

(717) 772-4171

(Phone)

**FILED**  
m10:58a/12cc  
MAR 13 2008 Sheriff

William A. Shaw  
Prothonotary/Clerk of Courts  
Revised Complaint Submitted

3/13/08

(64)

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES,

Plaintiff

v.

No.

JASON T. BRICEN,

Defendant

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and Notice are served, by entering a written appearance personally, or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and Judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU  
DO NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR  
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU  
CAN GET LEGAL HELP.**

Clearfield County Court Administration  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

COPY

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES,

Plaintiff

No. 08-381-CD

JASON T. BRICEN,

Defendant

## ORDER

NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, 2008, in  
consideration of the defendant's guilty plea to unlawful taking of timber valued at  
\$5,839.56 from the plaintiff's forest, defendant is ordered to pay to plaintiff,  
Department of Conservation and Natural Resources, \$5,839.56, at a time, and in the manner  
specified by the Court.

J.

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

COMMONWEALTH OF PENNSYLVANIA, :  
DEPARTMENT OF CONSERVATION :  
AND NATURAL RESOURCES, :  
Plaintiff :  
v. : No.  
JASON T. BRICEN, :  
Defendant :  
:

COMPLAINT

1. Plaintiff, Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, is the Commonwealth agency which is charged with the duty and authority to manage the Commonwealth's state-owned forests. The Conservation and Natural Resources Act, Act of June 28, 1995, P. L. 89, No. 18 (71 P. S. § 1340.101 et seq.) (CNRA). Among the forest owned and managed by the Department is Moshannon State Forest.

2. Jason T. Bricen is a Pennsylvania resident whose last known address is 671 Hoovertown Road, Penfield, PA 15849.

## BACKGROUND

3. Among the duties and authorities granted to the Department by the CNRA, is that of removing and disposing of state forest timber when it appears to the Department that doing so will benefit the forest. The CNRA at Section 1340.302(a) (6).

4. The right to determine that timber should be removed from the state forests is to be exercised exclusively by the Department.

5. Defendant Jason T. Bricen, without the permission of the Department, removed timber valued by the Clearfield County Court of Common Pleas, Criminal Division, at five thousand, eight hundred thirty-nine dollars and fifty-six cents. (\$5,839.56) from the Moshannon State Forest.

6. The General Assembly authorizes the Department, as the owner of the timber removed from the state forest, to obtain "damages from a person who cuts or removes timber of another person without the consent of that person." 42 Pa. C.S. § 8311 (a) (the timber conversion statute). The timber conversion statute states the following:

(a) General rule – In lieu of all other damages or civil remedies provided by law, a person who cuts or removes the timber of another person without the consent of that person shall be liable to that person in a civil action for an amount of damages equal to:

(1) the usual and customary cost of establishing the value of the timber cut or removed and of complying with the erosion and sedimentation control regulations contained in 25 Pa. Code Ch.102 (relating to erosion control);

(1.1) the cost of any surveys obtained in connection with the civil action; and

(2) one of the following:

- (i) three times the market value of the timber cut or removed if the act is determined to have been deliberate;
- (ii) two times the market value of the timber cut or removed if the act is determined to have been negligent; or
- (iii) the market value of the timber cut or removed if the defendant is determined to have had a reasonable basis for believing that the land on which the act was committed was his or that of the person in whose service or by whose direction the act was done.

7. The same statute in Section (b), reduces the damages available under 42 Pa. C.S. § 8311 (a) by any restitution paid under 18 Pa. C.S. § 1107.

COUNT 1

8. The allegations of paragraphs 1 through 7 are incorporated herein as if they were set forth again.

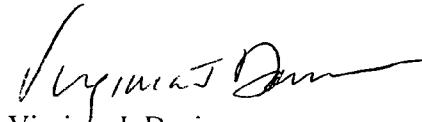
9. After his arrest on April 27, 2006, defendant Bricen entered a guilty plea to, among other things, theft by unlawful taking. (The arrest report, the information, the affidavit of probable cause, and the Court's sentencing order are attached.) The Court ordered Mr. Bricen to pay to DCNR \$11,679.12 in restitution, double the value of the converted timber.

10. The Department seeks single damages, the market value of the timber, from Mr. Bricen and submits Mr. Bricen's guilty plea as the proof for its request.

11. The award of the value of the timber will make DCNR whole under the authority of 42 Pa. C.S. § 8311.

WHEREFORE, Defendant, Jason T. Bricen, having pleaded guilty to the unauthorized removal from Moshannon State Forest timber valued at \$5,839.56, and having been ordered by the Clearfield County Court to pay to DCNR \$11,679.12, the Department prays that this Court will order the defendant to pay that amount to the Department, in order to give the Department the triple damages available under 42 Pa. C.S. § 8311(a).

Respectfully submitted,



Virginia J. Davison  
Assistant Counsel  
Department of Conservation and  
Natural Resources  
400 Market Street, PO Box 8767  
Harrisburg, PA 17105-8767  
Telephone: 717-772-4171

## VERIFICATION

I hereby verify that the statements contained in this document are true and correct to the best of my knowledge, information, and belief. I am the State Forester, and in that position, know the persons who investigated the unauthorized cutting and removal of Commonwealth timber, who assessed its value, and who worked with the Court and County personnel who brought about the defendant's criminal conviction and penalty. I am confident of those persons' abilities and their dependability. I understand that false statements herein are made subject to the penalties of 18 P.A.C.S. § 4904, relating to unsworn falsification to authorities.

Date

3/10/08

Daniel A. Devlin

Daniel A. Devlin  
State Forester  
Bureau of Forestry  
Department of Conservation and Natural  
Resources

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: CLEARFIELD

14,878



POLICE  
CRIMINAL COMPLAINT

Magisterial District Number: 46-3-01  
District Justice Name: Hon. Patrick N. Ford  
Address: 309 Maple Avenue, P.O. Box 452  
DuBois, PA 15801  
Telephone: (814) 371 - 5321

FILED

Docket No.: CR-147-06 MAY 10 2006  
Date Filed: 04-27-06 William A. Shaw  
Prothonotary/Clerk of Courts  
OTN: K2260742

COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

NAME and ADDRESS  
Jason Thomas Bricen  
671 Hoovertown Road  
Penfield, PA 15849

CP-17-CR-487-2006

Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	Defendant's Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	Defendant's D.O.B. 7/21/78	Defendant's Social Security Number 191-62-3781	Defendant's SID 331-80-51-9
Defendant's A.K.A.		Defendant's Vehicle Information: PLATE NUMBER YTB 0145 STATE PA REGISTRATION STICKER (MM/YY) 01/06 STATE PA. Defendant's Driver's License Number 24 600 661		
Complaint/Incident Number 06090093, 06090094, 06090095, 06090096, 06090097		Complaint/Incident Number if other Participants 06090093, 06090094, 06090095, 06090096, 06090097 UCR/NIBRS Code		

District Attorney's Office  Approved  Disapproved because:

(The district attorney may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing.  
Pa.R.Cr.P. 107)

(Name of Attorney for Commonwealth – Please Print or Type)

(Signature of Attorney for Commonwealth)

(Date)

I, Michelle A. Billotte

400

(Name of Affiant – Please Print or Type)

of, D.C.N.R. - BUREAU OF FORESTRY, DISTRICT #09

PA 0171900

(Officer Badge Number/I.D.)

BOFD906001

(Identity Department or Agency Represented and Political Subdivision)

(Originating Agency Case Number (OCA))

do hereby state: (check the appropriate box)

1.  I accuse the above named defendant who lives at the address set forth above  
 I accuse the defendant whose name is unknown to me but who is described as

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have  
therefore designated as John Doe

with violating the penal laws of the Commonwealth of Pennsylvania at

OCT 01 2007

Attest.

*W.A. Shaw*  
Prothonotary/  
Clerk of Courts

Moshannon State Forest District #09 off of the Snub Rope Trail in Huston Township

in CLEARFIELD County on or about 04/27/2006 at 1045 hours

Participants were: (if there were participants, place their names here, repeating the name of the above defendant)

JASON THOMAS BRICEN and CHRISTOPHER MICHAEL PESCE

2. The acts committed by the accused were:

(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated,  
without more, is not sufficient, in a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

Theft by unlawful taking or disposition §3921 (a) F3 – A person is guilty of theft if he unlawfully takes, or exercises  
unlawful control over, movable property of another with intent to deprive him thereof; to wit, the defendant JASON T. BRICEN  
unlawfully removed "diameter cherry tree from the Moshannon State Forest with the intent to deprive the Commonwealth of  
Pennsylvania there of.

Receiving stolen property §3925 (a) F3 - A person is guilty of theft if he intentionally receives, retains, or disposes of  
movable property of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property  
is received, retained, or disposed with intent to restore it to the owner; to wit, the defendant JASON T. BRICEN, received and  
retained a stolen cherry tree which was the property of the Commonwealth of Pennsylvania without intent to restore it to the  
owner.

*5 (trees)  
amended  
5-5-04 RNFord*

AOPC 412-(6/96)

1-3

EXHIBIT

tables

*A*

Defendant's Name: JASON THOMAS BRICEN

Docket Number: CR-147-06



**POLICE  
CRIMINAL COMPLAINT**

**Driving while operating privilege is suspended or revoked §1543 (a)** – Any person who drives a motor vehicle on a highway or traffic way of this Commonwealth after the commencement of suspension, revocation or cancellation of the operating privilege and before the operation privilege has been restored is guilty of a summary offense; to wit, the defendant operated a white 1997 Ford pickup bearing PA registration YMV 0423 and V.I.N. 2FTEX08L4VCA57785 on Evans Fire Road, Nolan Road Rogers Lane, and Hoovertown Road (State Route 153) after the commencement of suspension of his operating privilege and before his operation privilege has been restored.

**Required financial responsibility §1786 (a)** – Every motor vehicle of the type required to be registered under Title 75 which is operated or currently registered shall be covered by financial responsibility; to wit, the defendant operated a white 1997 Ford pickup bearing PA registration YMV 0423 and V.I.N. 2FTEX08L4VCA57785 on Evans Fire Road, Nolan Road Rogers Lane, and Hoovertown Road (State Route 153) which was not covered by financial responsibility.

**Registration and certificate of title §1301 (a)** – No person shall drive or move and no owner or motor carrier shall knowingly permit to be driven or moved upon any highway any vehicle which is not registered in this Commonwealth unless the vehicle is exempt from registration; to wit, the defendant drove a white 1997 Ford pickup bearing PA registration YMV 0423 and V.I.N. 2FTEX08L4VCA57785 on Evans Fire Road, Nolan Road Rogers Lane, and Hoovertown Road (State Route 153) which was not registered in this Commonwealth and was not exempt from registration.

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1. <u>3921</u> (Section)	<u>(a)</u> (subsection)	of the	<u>18 Pa C.S.A.</u> (PA Statute)	<u>8</u> I in A.B. (Counts)
2. <u>3925</u> (Section)	<u>(a)</u> (Subsection)	of the	<u>18 Pa C.S.A.</u> (PA Statute)	<u>8</u> I in A.B. (Counts)
3. <u>1543</u> (Section)	<u>(a)</u> (Subsection)	of the	<u>75 Pa C.S.A.</u> (PA Statute)	<u>1</u> (Counts)
4. <u>1786</u> (Section)	<u>(a)</u> (Subsection)	of the	<u>75 Pa C.S.A.</u> (PA Statute)	<u>1</u> (Counts)

I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)

3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S. § 4904) relating to unsworn falsification to authorities.

*Mark A. Bellette*

(Signature of Affiant)

AND NOW, on this date 4/27/06, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

46-3-03

(Magisterial District)

*Mark A. Bellette* **SEAL**

(Issuing Authority)

Defendant's Name: JASON THOMAS BRICEN

Docket Number:

CR-147-06



**POLICE  
CRIMINAL COMPLAINT**

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1.	<u>1301</u> (Section)	<u>(a)</u> (subsection)	of the	<u>75 Pa C.S.A.</u> (PA Statute)	<u>1</u> (Counts)
2.	<u>                  </u> (Section)	<u>                  </u> (Subsection)	of the	<u>                  </u> (PA Statute)	<u>                  </u> (Counts)
3.	<u>                  </u> (Section)	<u>                  </u> (Subsection)	of the	<u>                  </u> (PA Statute)	<u>                  </u> (Counts)
4.	<u>                  </u> (Section)	<u>                  </u> (Subsection)	of the	<u>                  </u> (PA Statute)	<u>                  </u> (Counts)

I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. **(In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)**

3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 P.A. C.S. § 4904) relating to unsworn falsification to authorities.

Mitchell A. Belknap

(Signature of Affiant)

AND NOW, on this date 4-27-06, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

96-3-03

(Magisterial District)

M. McElroy

(Issuing Authority)

SEAL

Defendant's Name: JASON THOMAS BRICEN

Docket Number:

CR-147-06



POLICE  
CRIMINAL COMPLAINT

**AFFIDAVIT of PROBABLE CAUSE**

On 04/27/2006 at approximately 10:45 hours while on patrol on foot in the Moshannon State Forest near Snub Rope Trail in Huston Township, Clearfield County, D.C.N.R. Ranger GERALD STOVER heard the sound of a chain saw. From his location, Ranger STOVER could see an older blue Ford pickup and a newer white Ford pickup. He could see logs in the bed of each truck. One of the logs in the bed of the white Ford pickup truck had orange material attached to the end. Ranger STOVER saw two male individuals. One of the individuals was wearing a white hat and a white shirt and jeans. The other individual was wearing a black hat and a black shirt and jeans.

Ranger STOVER contacted me at my residence on my cell phone. He advised me of the situation. I immediately responded to my office. En route to the Moshannon State Forest District office, I spoke with Ranger STOVER by cell phone. Ranger STOVER saw the blue Ford pickup and the white Ford pickup travel off of the Oak Snub Trail onto the Evans Fire Road. He saw the vehicles being operated north on Evans Fire Road, east on Nolan Road, east on Rogers Lane, then south on Hoovertown.

At 11:09 hours, I responded to the scene in marked police vehicle J-90 (Equipment #: 014-33-0016 V.I.N.: 1GKEK13R2XJ729271). I contacted Ranger STOVER by cell phone and advised him that I was responding north along State Park Road (State Route 153). He advised that the actors had been traveling south along Hoovertown Road.

I saw an older blue Ford pickup at 671 Hoovertown, Penfield, PA 15849. I could see a log in the back of the vehicle. I turned around at Mount Pleasant Road and then traveled south along Hoovertown Road. I contacted Ranger STOVER by radio and advised him of what I saw and of a location. At 11:32 hours, I arrived at 671 Hoovertown Road, Penfield, PA 15849.

Upon my arrival, I saw an older blue Ford pickup with a cherry log in the bed of the truck. There was another log on the ground off of the south side of the driveway and fresh tire marks in the grass. There was a white Ford pickup on the west end of the driveway. There were two adult males, one adult female, and one juvenile male present.

I exited my vehicle and approached the two adult males. I identified myself. I advised the two adult males that they had been seen traveling along Nolan Road with the trees in the back of the trucks. The one adult male individual later identified as JASON T. BRICEN stated that they had been in Kersey, PA and that is where they cut the trees. BRICEN was wearing a white shirt and a white hat. I asked the individuals for identification. BRICEN could only produce a 2004 Pennsylvania Fishing License. The other adult male individual identified as CHRISTOPHER MICHAEL PESCE produced a PA Identification Card. PESCE was wearing a black hat and a black shirt.

The blue Ford pickup had PA registration plate YTB 0145 affixed to the rear of the vehicle. The V.I.N. was 2FTFF13F5ECA53222. There was a temporary validation paper hanging in the rear window. The white Ford pickup had PA registration YMV 0423 affixed to the rear of the vehicle. Expiration sticker 01/06 was affixed to the registration plate. The V.I.N. was 2FTEX08L4VCA57785. There was no inspection sticker on the windshield of the white Ford pickup.

At 11:40 hours, Ranger STOVER arrived at the 671 Hoovertown Road, Penfield, PA 15849A check of license information on the two individuals through the Clearfield County Control 9-1-1 Center revealed that BRICEN and PESCE were both suspended. I was also advised that BRICEN was on the Domestic Relations warrant list. A check of registration information confirmed that the registration for the white Ford pickup expired 01/06. BRICEN was the registered owner of the vehicle. PESCE was not the registered owner of the blue Ford pickup truck. I requested registration and insurance information from BRICEN and PESCE. BRICEN did not have a valid registration card or valid proof of liability insurance. PESCE stated that he and his wife just bought the vehicle. PESCE could not produce registration information. PESCE could not provide proof of liability insurance for the blue Ford. He said that it was not yet insured.

I, MICHELLE A. BILLOTTE, BEING DULY SWORN ACCORDING TO  
LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Micelle A. Billotte

(Signature of Affiant)

Sworn to me and subscribed before me this 27<sup>th</sup> day of April, 2006

4/27/06 Date

M. Billotte

, District Justice

My commission expires first Monday of January 2012

**SEAL**

Defendant's Name: JASON THOMAS BRICEN

Docket Number: CR-147-06



POLICE  
CRIMINAL COMPLAINT

AFFIDAVIT of PROBABLE CAUSE

BRICEN stated that they had cut the trees in Kersey, PA on the property of STEVE VEONI. He showed a journal book to me with a written statement stating he had permission to cut on VEONI property. I asked if they had been on Evans Fire Road or Nolan Road. BRICEN said no. I asked if they had been on any dirt roads off Hoovertown Road from the Boone Mountain Road intersection to our present location. BRICEN said no.

According to a written statement provided by ANGELA TAMASKI on 04/27/06 at 13:25 hours, "CHRIS" drove the blue Ford pickup and "JASON" drove the white Ford pickup.

Domestic Relations Officer ROBERT MURRAY arrived at 671 Hoovertown Road, Penfield, PA 15849. At 12:17 hours, we arrested BRICEN and PESCE.

On 04/27/06, Forester MELVIN JOHNSON of the Moshannon State Forest went to Snub Rope Trail. Forester JOHNSON found five trees had been cut.

Tree #1 was a black cherry that was 24 inches in diameter at breast height. It contained 4.5 logs (each log is 16 feet in length). Estimated board feet was 794. Current value is \$1500.00/manufactured board foot. Total estimated value: \$1191.00 1637.80 2062.73

Tree #2 was a black cherry that was 21 inches in diameter at breast height. It contained 4.0 logs (each log is 16 feet in length). Estimated board feet was 512. Current value is \$1500.00/manufactured board foot. Total estimated value: \$768.00 1056.11 2062.73

Tree #3 was a black cherry that was 24 inches in diameter at breast height. It contained 5.0 logs (each log is 16 feet in length). Estimated board feet was 845. Current value is \$1500.00/manufactured board foot. Total estimated value: \$1267.50 1743.00 2062.73

Tree #4 was a black cherry that was 20 inches in diameter at breast height. It contained 4.5 logs (each log is 16 feet in length). Estimated board feet was 470. Current value is \$1500.00/manufactured board foot. Total estimated value: \$705.00 839.53 2062.73

Tree #5 was a black cherry that was 18 inches in diameter at breast height. It contained 4.0 logs (each log is 16 feet in length). Estimated board feet was 273. Current value is \$1500.00/manufactured board foot. Total estimated value: \$409.50. No portion of this tree was removed.

Total value of all trees: \$4341.00 5834.56 2062.73

Total restitution: \$8682.00 (double estimated value)

\$11,679.12

5-5-06  
12 amendments to  
amounts per foot

I, MICHELLE A. BILLOTTE, BEING DULY SWEORN ACCORDING TO  
LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Micelle A. Billotte

(Signature of Affiant)

Sworn to me and subscribed before me this 27<sup>th</sup> day of April, 2006

4/27/06 Date Micelle, District Justice

My commission expires first Monday of January 2012

SEAL

**Jason Thomas Bricen -- Docket Number: CP-17-CR-0000487-2006**

TO WIT: On or about the above date, the actor and/or co-conspirator did unlawfully take or exercise unlawful control over five black cherry trees from the Moshannon State Forest and did intentionally receive, retain, or dispose of said cherry trees with no intent to restore them to the victim. Value of said trees being \$11,679.12.

All of which is against the Acts of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

Affiant: Ranger Michelle Billotte - DCNR Department of Forestry      J. G. Billotte      District Attorney

---

Citation of Statute and Section:      18 Pa. C.S.A. 903 (a)(1) / 3921 (a)  
18 Pa. C.S.A. 3921 (a)  
18 Pa. C.S.A. 3925 (a)  
75 Pa. C.S.A. 1301 (a)  
75 Pa. C.S.A. 1543 (a)  
75 Pa. C.S.A. 1786 (f)

INFORMATION  
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

Criminal Action No. CP-17-CR-0000487-2006

COMMONWEALTH OF PENNSYLVANIA

VS.

JASON THOMAS BRICEN

FILED

MAY 11 2006  
epl

William A. Shaw  
Prothonotary/Clerk of Courts

The District Attorney of CLEARFIELD County, by this Information charges that on or about Thursday, the 27th day of April, 2006, and diverse times prior thereto in said County of CLEARFIELD, Jason Thomas Bricen did,

**COUNT I: CRIMINAL CONSPIRACY / THEFT BY UNLAWFUL TAKING**

**18 Pa. C.S.A. 903 (a)(1) / 3921 (a) -- Felony 3rd DEGREE**

DID conspire with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he/she agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime.

**COUNT II: THEFT BY UNLAWFUL TAKING-MOVABLE PROPERTY**

**18 Pa. C.S.A. 3921 (a) -- Felony 3rd DEGREE**

DID unlawfully take or exercise unlawful control over, movable property of another with the intent to deprive him/her thereof.

**COUNT III: RECEIVING STOLEN PROPERTY**

**18 Pa. C.S.A. 3925 (a) -- Felony 3rd DEGREE**

DID intentionally receive, retain, or dispose of movable property of another, specifically, knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with intent to restore it to the owner.

**COUNT IV: REGISTRATION & CERTIFICATE OF TITLE REQUIRED**

**75 Pa. C.S.A. 1301 (a) -- Summary**

**COUNT V: DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR**

**75 Pa. C.S.A. 1543 (a) -- Summary**

**COUNT VI: REQUIRED FINANCIAL RESPONSIBILITY**

**75 Pa. C.S.A. 1786 (f) -- Summary**

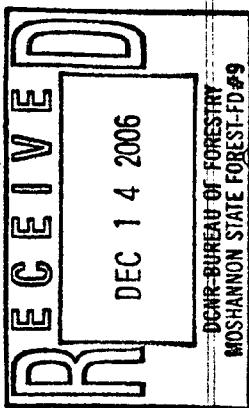
I hereby certify this to be a true and attested copy of the original statement filed in this case.

OCT 01 2007

Attest.

William A. Shaw  
Prothonotary/  
Clerk of Courts

Michelle  
OCNR Billotte



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA \*  
vs. \*  
JASON T. BRICEN \* NO. 06-487-CRA

ORDER OF COURT

NOW, this 30th day of November, 2006, the defendant having entered pleas of guilt to criminal conspiracy to commit theft by unlawful taking, a felony of the third degree, theft by unlawful taking, a felony of the third degree, and summaries as will follow; he being fully and competently represented by counsel and the Court being satisfied that he has knowingly, voluntarily and intelligently entered said pleas, IT IS THE SENTENCE OF THIS COURT that on the charge of criminal conspiracy to commit theft by unlawful taking, he pay for the benefit of Clearfield County the sum of one dollar plus costs of prosecution; that he be and remain on probation under the supervision and control of the Pennsylvania State Board of Probation and Parole for a period of three years with said period to be served concurrent to Indictment No. 06-704-CRA. Effective immediately he shall refrain from the use and possession of alcoholic beverages and controlled substances. He shall attend and successfully complete any such counseling as recommended by his supervising parole officer and shall be responsible for all costs associated therewith. He shall not enter upon the property of the Moshannon State Forest and shall pay restitution in the amount of \$11,679.12 to the Commonwealth of Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry, District No. 9, 3372 State Park Road, Penfield, Clearfield County, Pennsylvania.

On the charge of theft by unlawful taking, a felony of the third degree, he shall pay to the benefit of Clearfield County the sum of one dollar plus costs of prosecution. He shall be and remain on probation under the supervision and control of the Pennsylvania State Board of Probation and Parole for a period of two years with said period to be served concurrent to the above charge of criminal conspiracy to commit theft by unlawful taking under the same terms and conditions.

On the summary violation of registration certificate of title required, he shall pay an \$85 fine plus costs.

On the summary violation of driving under suspension he shall pay a \$210 fine plus costs.

On the summary violation of required financial responsibility, he shall pay a \$310 fine plus costs of prosecution.

BY THE COURT:

/s/ Paul E. Cherry

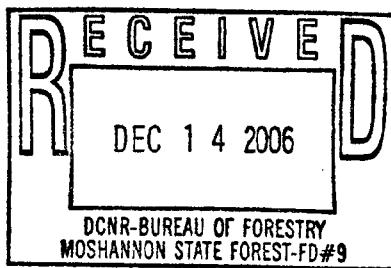
Paul E. Cherry      Judge

I hereby certify this to be a true and attested copy of the original statement filed in this case.

DEC 05 2006

Attest.

*William L. Cherry*  
Prothonotary/  
Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103878  
NO: 08-381-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: COMMONWEALTH OF PENNSYLVANIA DEPT. OF CONSERVATION & NATURAL RESOURCES  
vs.  
DEFENDANT: JASON T. BRICEN

**SHERIFF RETURN**

NOW, April 02, 2008 AT 3:20 PM SERVED THE WITHIN COMPLAINT ON JASON T. BRICEN DEFENDANT AT WORK BRICEN TOWING, SR 255, PENFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JASON BRICEN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

**FILED**

03:00 pm  
JUL 02 2008

William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	COMM./DCNR	042598	10.00
SHERIFF HAWKINS	COMM./DCNR	042598	50.73

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,

*Chester A. Hawkins  
by Marilyn Harr*  
Chester A. Hawkins  
Sheriff

**COPY**

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

~~MAR 05 2008~~

~~Attest.~~

*William L. Prothonotary*  
Prothonotary/  
Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

PENNSYLVANIA

CIVIL ACTION - (LAW)

NO. 08-381-CD

Type of Case: Civil

Type of Pleading: Complaint

Commonwealth of Pennsylvania  
Dept. of Conservation & Natural Resources  
Plaintiff

Filed on Behalf of:  
Dept. of Conservation & Natural Resources  
(Plaintiff)

Jason T. Bricen

Defendant

Counsel of Record for this Party:  
Virginia Davison  
(Name of Attorney)

Supreme Court No.: 4417

Dept. of Conservation & Natural Resources  
(Firm name, if any)

400 Market Street, Harrisburg, PA 17105-8767  
(Address)

(717) 772-4171  
(Phone)

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

**MAR 13 2008**

Attest.

*William L. Prothonotary*  
Prothonotary/  
Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA.  
DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES,

Plaintiff

v.

No.

JASON T. BRICEN,

Defendant

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and Notice are served, by entering a written appearance personally, or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and Judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU  
DO NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR  
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU  
CAN GET LEGAL HELP.**

Clearfield County Court Administration  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES.

Plaintiff

v.

No. 08-381-CD

JASON T. BRICEN,

Defendant

ORDER

NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, 2008, in

consideration of the defendant's guilty plea to unlawful taking of timber valued at  
\$5,839.56 from the plaintiff's forest, defendant is ordered to pay to plaintiff,  
Department of Conservation and Natural Resources, \$5,839.56, at a time, and in the manner  
specified by the Court.

COPY

J.

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

COMMONWEALTH OF PENNSYLVANIA. :  
DEPARTMENT OF CONSERVATION :  
AND NATURAL RESOURCES, :  
Plaintiff :  
v. : No.  
JASON T. BRICEN. :  
Defendant :  
:

COMPLAINT

1. Plaintiff, Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, is the Commonwealth agency which is charged with the duty and authority to manage the Commonwealth's state-owned forests. The Conservation and Natural Resources Act, Act of June 28, 1995, P. L. 89, No. 18 (71 P. S. § 1340.101 *et seq.*) (CNRA). Among the forest owned and managed by the Department is Moshannon State Forest.

2. Jason T. Bricen is a Pennsylvania resident whose last known address is 671 Hoovertown Road, Penfield, PA 15849.

## BACKGROUND

3. Among the duties and authorities granted to the Department by the CNRA, is that of removing and disposing of state forest timber when it appears to the Department that doing so will benefit the forest. The CNRA at Section 1340.302(a) (6).

4. The right to determine that timber should be removed from the state forests is to be exercised exclusively by the Department.

5. Defendant Jason T. Bricen, without the permission of the Department, removed timber valued by the Clearfield County Court of Common Pleas, Criminal Division, at five thousand, eight hundred thirty-nine dollars and fifty-six cents. (\$5,839.56) from the Moshannon State Forest.

6. The General Assembly authorizes the Department, as the owner of the timber removed from the state forest, to obtain "damages from a person who cuts or removes timber of another person without the consent of that person." 42 Pa. C.S. § 8311 (a) (the timber conversion statute). The timber conversion statute states the following:

(a) General rule – In lieu of all other damages or civil remedies provided by law, a person who cuts or removes the timber of another person without the consent of that person shall be liable to that person in a civil action for an amount of damages equal to:

(1) the usual and customary cost of establishing the value of the timber cut or removed and of complying with the erosion and sedimentation control regulations contained in 25 Pa. Code Ch.102 (relating to erosion control);

(1.1) the cost of any surveys obtained in connection with the civil action; and

(2) one of the following:

- (i) three times the market value of the timber cut or removed if the act is determined to have been deliberate;
- (ii) two times the market value of the timber cut or removed if the act is determined to have been negligent; or
- (iii) the market value of the timber cut or removed if the defendant is determined to have had a reasonable basis for believing that the land on which the act was committed was his or that of the person in whose service or by whose direction the act was done.

7. The same statute in Section (b), reduces the damages available under 42 Pa. C.S. § 8311 (a) by any restitution paid under 18 Pa. C.S. § 1107.

COUNT 1

8. The allegations of paragraphs 1 through 7 are incorporated herein as if they were set forth again.

9. After his arrest on April 27, 2006, defendant Bricen entered a guilty plea to, among other things, theft by unlawful taking. (The arrest report, the information, the affidavit of probable cause, and the Court's sentencing order are attached.) The Court ordered Mr. Bricen to pay to DCNR \$11,679.12 in restitution, double the value of the converted timber.

10. The Department seeks single damages, the market value of the timber, from Mr. Bricen and submits Mr. Bricen's guilty plea as the proof for its request.

11. The award of the value of the timber will make DCNR whole under the authority of 42 Pa. C.S. § 8311.

WHEREFORE. Defendant, Jason T. Bricen, having pleaded guilty to the unauthorized removal from Moshannon State Forest timber valued at \$5,839.56, and having been ordered by the Clearfield County Court to pay to DCNR \$11,679.12, the Department prays that this Court will order the defendant to pay that amount to the Department, in order to give the Department the triple damages available under 42 Pa. C.S. § 8311(a).

Respectfully submitted,



Virginia J. Davison  
Assistant Counsel  
Department of Conservation and  
Natural Resources  
400 Market Street, PO Box 8767  
Harrisburg, PA 17105-8767  
Telephone: 717-772-4171

## VERIFICATION

I hereby verify that the statements contained in this document are true and correct to the best of my knowledge, information, and belief. I am the State Forester, and in that position, know the persons who investigated the unauthorized cutting and removal of Commonwealth timber, who assessed its value, and who worked with the Court and County personnel who brought about the defendant's criminal conviction and penalty. I am confident of those persons' abilities and their dependability. I understand that false statements herein are made subject to the penalties of 18 P.A.C.S. § 4904, relating to unsworn falsification to authorities.

3/10/08

Date

Daniel A. Devlin

Daniel A. Devlin  
State Forester  
Bureau of Forestry  
Department of Conservation and Natural  
Resources

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: CLEARFIELD

14,878



POLICE  
CRIMINAL COMPLAINT

Magisterial District Number: 46-3-01  
District Justice Name: Hon. Patrick N. Ford  
Address: 309 Maple Avenue, P.O. Box 452  
DuBois, PA 15801  
Telephone: (814) 371 - 5321

FILED

Docket No.: CR-147-06 MAY 10 2006  
Date Filed: 04-27-06 William A. Shaw  
OTN: K226074-2 Prothonotary/Clerk of Courts

Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	Defendant's Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	Defendant's D.O.B. 7/21/78	Defendant's Social Security Number 191-62-3781	Defendant's SID 331-80-51-9
Defendant's A.K.A.		Defendant's Vehicle Information: PLATE NUMBER YTB 0145 STATE PA REGISTRATION STICKER (MM/YY) 01/06 STATE PA Defendant's Driver's License Number 24 600 661		
Complaint/Incident Number 06090093, 06090094, 06090095, 06090096, 06090097		Complaint/Incident Number if other Participants 06090093, 06090094, 06090095, 06090096, 06090097 UCR/NIBRS Code		

District Attorney's Office  Approved  Disapproved because:

(The district attorney may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing.  
Pa.R.Cr.P. 107)

(Name of Attorney for Commonwealth - Please Print or Type)

(Signature of Attorney for Commonwealth)

(Date)

I, Michelle A. Billotte

400

(Name of Affiant - Please Print or Type)

of, D.C.N.R. - BUREAU OF FORESTRY, DISTRICT #09

PA 0171900

(Officer Badge Number/I.D.)

BOFD906001

(Originating Agency Case Number (OCA))

(Identity Department or Agency Represented and Political Subdivision)

do hereby state: (check the appropriate box)

1.  I accuse the above named defendant who lives at the address set forth above  
 I accuse the defendant whose name is unknown to me but who is described as

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have  
therefore designated as John Doe

with violating the penal laws of the Commonwealth of Pennsylvania at

OCT 01 2007

Attest.

William A.  
Prothonotary/  
Clerk of Courts

Moshannon State Forest District #09 off of the Snub Rope Trail in Huston Township

in CLEARFIELD County on or about 04/27/2006 at 1045 hours

Participants were: (if there were participants, place their names here, repeating the name of the above defendant)

JASON THOMAS BRICEN and CHRISTOPHER MICHAEL PESCE

2. The acts committed by the accused were:

(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient, in a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

Theft by unlawful taking or disposition §3921 (a) F3 - A person is guilty of theft if he unlawfully takes, or exercises unlawful control over, movable property of another with intent to deprive him thereof; to wit, the defendant JASON T. BRICEN unlawfully removed "diameter cherry tree from the Moshannon State Forest with the intent to deprive the Commonwealth of Pennsylvania there of.

Receiving stolen property §3925 (a) F3 - A person is guilty of theft if he intentionally receives, retains, or disposes of movable property of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with intent to restore it to the owner; to wit, the defendant JASON T. BRICEN, received and retained a stolen cherry tree which was the property of the Commonwealth of Pennsylvania without intent to restore it to the owner.

5 (trees)  
amended  
5-5-04 PNF

1-3

AOPC 412-(6/95)

EXHIBIT

tables

A

Defendant's Name: JASON THOMAS BRICEN

Docket Number: CR-147-06



**POLICE  
CRIMINAL COMPLAINT**

**Driving while operating privilege is suspended or revoked §1543 (a)** – Any person who drives a motor vehicle on a highway or traffic way of this Commonwealth after the commencement of suspension, revocation or cancellation of the operating privilege and before the operation privilege has been restored is guilty of a summary offense; to wit, the defendant operated a white 1997 Ford pickup bearing PA registration YMV 0423 and V.I.N. 2FTEX08L4VCA57785 on Evans Fire Road, Nolan Road Rogers Lane, and Hoovertown Road (State Route 153) after the commencement of suspension of his operating privilege and before his operation privilege has been restored.

**Required financial responsibility §1786 (a)** – Every motor vehicle of the type required to be registered under Title 75 which is operated or currently registered shall be covered by financial responsibility; to wit, the defendant operated a white 1997 Ford pickup bearing PA registration YMV 0423 and V.I.N. 2FTEX08L4VCA57785 on Evans Fire Road, Nolan Road Rogers Lane, and Hoovertown Road (State Route 153) which was not covered by financial responsibility.

**Registration and certificate of title §1301 (a)** – No person shall drive or move and no owner or motor carrier shall knowingly permit to be driven or moved upon any highway any vehicle which is not registered in this Commonwealth unless the vehicle is exempt from registration; to wit, the defendant drove a white 1997 Ford pickup bearing PA registration YMV 0423 and V.I.N. 2FTEX08L4VCA57785 on Evans Fire Road, Nolan Road Rogers Lane, and Hoovertown Road (State Route 153) which was not registered in this Commonwealth and was not exempt from registration.

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1. <u>3921</u> (Section)	<u>(a)</u> (subsection)	of the <u>18 Pa C.S.A.</u> (PA Statute)	<u>8</u> <u>1</u> <u>M.A.B.</u> (Counts)
2. <u>3925</u> (Section)	<u>(a)</u> (Subsection)	of the <u>18 Pa C.S.A.</u> (PA Statute)	<u>8</u> <u>1</u> <u>M.A.B.</u> (Counts)
3. <u>1543</u> (Section)	<u>(a)</u> (Subsection)	of the <u>75 Pa C.S.A.</u> (PA Statute)	<u>1</u> (Counts)
4. <u>1786</u> (Section)	<u>(a)</u> (Subsection)	of the <u>75 Pa C.S.A.</u> (PA Statute)	<u>1</u> (Counts)

I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)

3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S. § 4904) relating to unsworn falsification to authorities.

(Signature of Affiant)

AND NOW, on this date 4/27/06, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

(Magisterial District)

(Issuing Authority)

SEAL

Defendant's Name: JASON THOMAS BRICEN

Docket Number:

CR-147-06



**POLICE  
CRIMINAL COMPLAINT**

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1.	<u>1301</u> (Section)	<u>(a)</u> (subsection)	of the	<u>75 Pa C.S.A.</u> (PA Statute)	<u>1</u> (Counts)
2.	<u>                  </u> (Section)	<u>                  </u> (Subsection)	of the	<u>                  </u> (PA Statute)	<u>                  </u> (Counts)
3.	<u>                  </u> (Section)	<u>                  </u> (Subsection)	of the	<u>                  </u> (PA Statute)	<u>                  </u> (Counts)
4.	<u>                  </u> (Section)	<u>                  </u> (Subsection)	of the	<u>                  </u> (PA Statute)	<u>                  </u> (Counts)

I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)

3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) relating to unsworn falsification to authorities.

Mitchell A. Bellanca

(Signature of Affiant)

AND NOW, on this date 4-27-06, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

46-3-03

(Magisterial District)

Mitchell A. Bellanca

(Issuing Authority)

SEAL

Defendant's Name: JASON THOMAS BRICEN

Docket Number:

CR-147-06



POLICE  
CRIMINAL COMPLAINT

**AFFIDAVIT of PROBABLE CAUSE**

On 04/27/2006 at approximately 10:45 hours while on patrol on foot in the Moshannon State Forest near Snub Rope Trail in Huston Township, Clearfield County, D.C.N.R. Ranger GERALD STOVER heard the sound of a chain saw. From his location, Ranger STOVER could see an older blue Ford pickup and a newer white Ford pickup. He could see logs in the bed of each truck. One of the logs in the bed of the white Ford pickup truck had orange material attached to the end. Ranger STOVER saw two male individuals. One of the individuals was wearing a white hat and a white shirt and jeans. The other individual was wearing a black hat and a black shirt and jeans.

Ranger STOVER contacted me at my residence on my cell phone. He advised me of the situation. I immediately responded to my office. En route to the Moshannon State Forest District office, I spoke with Ranger STOVER by cell phone. Ranger STOVER saw the blue Ford pickup and the white Ford pickup travel off of the Oak Snub Trail onto the Evans Fire Road. He saw the vehicles being operated north on Evans Fire Road, east on Nolan Road, east on Rogers Lane, then south on Hoovertown.

At 11:09 hours, I responded to the scene in marked police vehicle J-90 (Equipment #: 014-33-0016 V.I.N.: 1GKEK13R2XJ729271). I contacted Ranger STOVER by cell phone and advised him that I was responding north along State Park Road (State Route 153). He advised that the actors had been traveling south along Hoovertown Road.

I saw an older blue Ford pickup at 671 Hoovertown, Penfield, PA 15849. I could see a log in the back of the vehicle. I turned around at Mount Pleasant Road and then traveled south along Hoovertown Road. I contacted Ranger STOVER by radio and advised him of what I saw and of a location. At 11:32 hours, I arrived at 671 Hoovertown Road, Penfield, PA 15849.

Upon my arrival, I saw an older blue Ford pickup with a cherry log in the bed of the truck. There was another log on the ground off of the south side of the driveway and fresh tire marks in the grass. There was a white Ford pickup on the west end of the driveway. There were two adult males, one adult female, and one juvenile male present.

I exited my vehicle and approached the two adult males. I identified myself. I advised the two adult males that they had been seen traveling along Nolan Road with the trees in the back of the trucks. The one adult male individual later identified as JASON T. BRICEN stated that they had been in Kersey, PA and that is where they cut the trees. BRICEN was wearing a white shirt and a white hat. I asked the individuals for identification. BRICEN could only produce a 2004 Pennsylvania Fishing License. The other adult male individual identified as CHRISTOPHER MICHAEL PESCE produced a PA Identification Card. PESCE was wearing a black hat and a black shirt.

The blue Ford pickup had PA registration plate YTB 0145 affixed the rear of the vehicle. The V.I.N. was 2FTFF13F5ECA53222. There was a temporary validation paper hanging in the rear window. The white Ford pickup had PA registration YMV 0423 affixed to the rear of the vehicle. Expiration sticker 01/06 was affixed to the registration plate. The V.I.N. was 2FTEX08L4VCA57785. There was no inspection sticker on the windshield of the white Ford pickup.

At 11:40 hours, Ranger STOVER arrived at the 671 Hoovertown Road, Penfield, PA 15849A check of license information on the two individuals through the Clearfield County Control 9-1-1 Center revealed that BRICEN and PESCE were both suspended. I was also advised that BRICEN was on the Domestic Relations warrant list. A check of registration information confirmed that the registration for the white Ford pickup expired 01/06. BRICEN was the registered owner of the vehicle. PESCE was not the registered owner of the blue Ford pickup truck. I requested registration and insurance information from BRICEN and PESCE. BRICEN did not have a valid registration card or valid proof of liability insurance. PESCE stated that he and his wife just bought the vehicle. PESCE could not produce registration information. PESCE could not provide proof of liability insurance for the blue Ford. He said that it was not yet insured.

I, MICHELLE A. BILLOTTE, BEING DULY SWORN ACCORDING TO  
LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Micelle A. Billotte  
(Signature of Affiant)

Sworn to me and subscribed before me this 27<sup>th</sup> day of April, 2006

4/27/06 Date

M. Billotte

, District Justice

My commission expires first Monday of January 2012

**SEAL**

Defendant's Name: JASON THOMAS BRICEN

Docket Number: CR-147-06



POLICE  
CRIMINAL COMPLAINT

AFFIDAVIT of PROBABLE CAUSE

BRICEN stated that they had cut the trees in Kersey, PA on the property of STEVE VEONI. He showed a journal book to me with a written statement stating he had permission to cut on VEONI property. I asked if they had been on Evans Fire Road or Nolan Road. BRICEN said no. I asked if they had been on any dirt roads off Hoovertown Road from the Boone Mountain Road intersection to our present location. BRICEN said no.

According to a written statement provided by ANGELA TAMASKI on 04/27/06 at 13:25 hours, "CHRIS" drove the blue Ford pickup and "JASON" drove the white Ford pickup.

Domestic Relations Officer ROBERT MURRAY arrived at 671 Hoovertown Road, Penfield, PA 15849. At 12:17 hours, we arrested BRICEN and PESCE.

On 04/27/06, Forester MELVIN JOHNSON of the Moshannon State Forest went to Snub Rope Trail. Forester JOHNSON found five trees had been cut.

Tree #1 was a black cherry that was 24 inches in diameter at breast height. It contained 4.5 logs (each log is 16 feet in length). Estimated board feet was 794. Current value is \$1500.00/manufactured board foot. Total estimated value: \$1191.00 1637.80 2062.73

Tree #2 was a black cherry that was 21 inches in diameter at breast height. It contained 4.0 logs (each log is 16 feet in length). Estimated board feet was 512. Current value is \$1500.00/manufactured board foot. Total estimated value: \$768.00 1056.11 2062.73

Tree #3 was a black cherry that was 24 inches in diameter at breast height. It contained 5.0 logs (each log is 16 feet in length). Estimated board feet was 845. Current value is \$1500.00/manufactured board foot. Total estimated value: \$1267.50 1743.00 2062.73

Tree #4 was a black cherry that was 20 inches in diameter at breast height. It contained 4.5 logs (each log is 16 feet in length). Estimated board feet was 470. Current value is \$1500.00/manufactured board foot. Total estimated value: \$705.00 839.53 2062.73

Tree #5 was a black cherry that was 18 inches in diameter at breast height. It contained 4.0 logs (each log is 16 feet in length). Estimated board feet was 273. Current value is \$1500.00/manufactured board foot. Total estimated value: \$409.50. No portion of this tree was removed.

Total value of all trees: \$4341.00 5834.56 2062.73

Total restitution: \$8682.00 (double estimated value)

\$11,679.12

5-5-06  
12 amendments to  
amounts per foot

I, MICHELLE A. BILLOTTE, BEING DULY SWORN ACCORDING TO  
LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Michelle A. Billotte

(Signature of Affiant)

Sworn to me and subscribed before me this 27<sup>th</sup> day of April, 2006

4/27/06 Date M. Billotte, District Justice

My commission expires first Monday of January 2012

SEAL

Jason Thomas Bricen -- Docket Number: CP-17-CR-0000487-2006

TO WIT: On or about the above date, the actor and/or co-conspirator did unlawfully take or exercise unlawful control over five black cherry trees from the Moshannon State Forest and did intentionally receive, retain, or dispose of said cherry trees with no intent to restore them to the victim. Value of said trees being \$11,679.12.

All of which is against the Acts of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

Affiant: Ranger Michelle Billotte - DCNR Department of Forestry      J. G. Buh III  
District Attorney

Citation of Statute and Section:	18 Pa. C.S.A. 903 (a)(1) / 3921 (a) 18 Pa. C.S.A. 3921 (a) 18 Pa. C.S.A. 3925 (a) 75 Pa. C.S.A. 1301 (a) 75 Pa. C.S.A. 1543 (a) 75 Pa. C.S.A. 1786 (f)
----------------------------------	---

INFORMATION  
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

Criminal Action No. CP-17-CR-0000487-2006

COMMONWEALTH OF PENNSYLVANIA

VS.

JASON THOMAS BRICEN

FILED

MAY 20 2006 ep

William A. Shaw  
Prothonotary/Clerk of Courts

The District Attorney of CLEARFIELD County, by this Information charges that on or about Thursday, the 27th day of April, 2006, and diverse times prior thereto in said County of CLEARFIELD, Jason Thomas Bricen did,

**COUNT I: CRIMINAL CONSPIRACY / THEFT BY UNLAWFUL TAKING**

**18 Pa. C.S.A. 903 (a)(1) / 3921 (a) -- Felony 3rd DEGREE**

DID conspire with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he/she agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime.

**COUNT II: THEFT BY UNLAWFUL TAKING-MOVABLE PROPERTY**

**18 Pa. C.S.A. 3921 (a) -- Felony 3rd DEGREE**

DID unlawfully take or exercise unlawful control over, movable property of another with the intent to deprive him/her thereof.

**COUNT III: RECEIVING STOLEN PROPERTY**

**18 Pa. C.S.A. 3925 (a) -- Felony 3rd DEGREE**

DID intentionally receive, retain, or dispose of movable property of another, specifically, knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with intent to restore it to the owner.

**COUNT IV: REGISTRATION & CERTIFICATE OF TITLE REQUIRED**

**75 Pa. C.S.A. 1301 (a) -- Summary**

**COUNT V: DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR**

**75 Pa. C.S.A. 1543 (a) -- Summary**

**COUNT VI: REQUIRED FINANCIAL RESPONSIBILITY**

**75 Pa. C.S.A. 1786 (f) -- Summary**

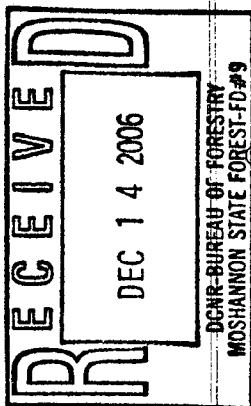
I hereby certify this to be a true and attested copy of the original statement filed in this case.

OCT 01 2007

Attest.

William A. Shaw  
Prothonotary/  
Clerk of Courts

Michelle  
DCNR Billotte



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA \*  
vs. \*  
JASON T. BRICEN \* NO. 06-487-CRA

ORDER OF COURT

NOW, this 30th day of November, 2006, the defendant having entered pleas of guilt to criminal conspiracy to commit theft by unlawful taking, a felony of the third degree, theft by unlawful taking, a felony of the third degree, and summaries as will follow; he being fully and competently represented by counsel and the Court being satisfied that he has knowingly, voluntarily and intelligently entered said pleas, IT IS THE SENTENCE OF THIS COURT that on the charge of criminal conspiracy to commit theft by unlawful taking, he pay for the benefit of Clearfield County the sum of one dollar plus costs of prosecution; that he be and remain on probation under the supervision and control of the Pennsylvania State Board of Probation and Parole for a period of three years with said period to be served concurrent to Indictment No. 06-704-CRA. Effective immediately he shall refrain from the use and possession of alcoholic beverages and controlled substances. He shall attend and successfully complete any such counseling as recommended by his supervising parole officer and shall be responsible for all costs associated therewith. He shall not enter upon the property of the Moshannon State Forest and shall pay restitution in the amount of \$11,679.12 to the Commonwealth of Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry, District No. 9, 3372 State Park Road, Penfield, Clearfield County, Pennsylvania.

On the charge of theft by unlawful taking, a felony of the third degree, he shall pay to the benefit of Clearfield County the sum of one dollar plus costs of prosecution. He shall be and remain on probation under the supervision and control of the Pennsylvania State Board of Probation and Parole for a period of two years with said period to be served concurrent to the above charge of criminal conspiracy to commit theft by unlawful taking under the same terms and conditions.

On the summary violation of registration certificate of title required, he shall pay an \$85 fine plus costs.

On the summary violation of driving under suspension he shall pay a \$210 fine plus costs.

On the summary violation of required financial responsibility, he shall pay a \$310 fine plus costs of prosecution.

BY THE COURT:

/s/ Paul E. Cherry

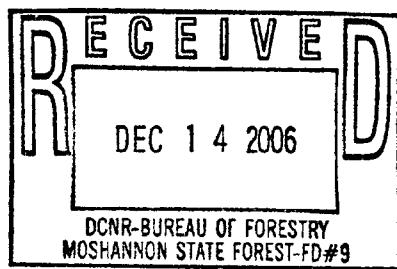
Paul E. Cherry      Judge

I hereby certify this to be a true and attested copy of the original statement filed in this case.

DEC 05 2006

Attest.

*William L. Cherry*  
Prothonotary/  
Clerk of Courts



611-12-023

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

FILED

AUG 11 2008

11:00 AM

William A. Shaw  
Prothonotary/Clerk of Courts

NOTICE TO

DEPT.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF CONSERVATION AND  
NATURAL RESOURCES

Plaintiff

No. 08-381-CD

v.

JASON BRICEN.  
Defendant

**Praecipe for Entry of Default Judgment**

NOW, pursuant to the authority of Pennsylvania Rule of Civil Procedure 1037, comes the plaintiff, Commonwealth of Pennsylvania, Department of Conservation and Natural Resources (DCNR) and files this Praecipe requesting that the Court grant it the relief requested in its Complaint for damages for timber conversion.

1. On or about March 15, 2008, DCNR filed its Complaint for timber conversion damages with this Court.
2. The Clearfield County Sheriff served the Complaint on Jason Bricen on April 2, 2008.
3. The defendant has, to this date, not filed or served an Answer to the Complaint, although the Complaint included a Notice to Defend.
4. DCNR's Complaint requested that the Court order the defendant to pay DCNR \$11,679.12, the amount authorized by 42 Pa. C. S. § 8311.

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF CONSERVATION AND  
NATURAL RESOURCES

Plaintiff

No. 08-381-CD

v.

JASON T. BRICEN,  
Defendant

To: JASON T. BRICEN

Date: July 14, 2008

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSON AT A REDUCED FEE OR NO FEE.

Mid Penn Legal Services  
211 East Locust Street  
Clearfield, PA 16830  
814-765-9646



Virginia J. Davison  
Assistant Counsel  
Department of Conservation and  
Natural Resources  
400 Market Street, PO Box 8767  
Harrisburg, PA 17105-8767  
Telephone: 717-772-4171

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

FILED

AUG 11 2008

11:06 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
NOTICE TO

DEPT.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF CONSERVATION AND  
NATURAL RESOURCES

Plaintiff

No. 08-381-CD

v.

JASON BRICEN,  
Defendant

**Praecipe for Entry of Default Judgment**

NOW, pursuant to the authority of Pennsylvania Rule of Civil Procedure 1037, comes the plaintiff, Commonwealth of Pennsylvania, Department of Conservation and Natural Resources (DCNR) and files this Praecipe requesting that the Court grant it the relief requested in its Complaint for damages for timber conversion.

1. On or about March 15, 2008, DCNR filed its Complaint for timber conversion damages with this Court.
2. The Clearfield County Sheriff served the Complaint on Jason Bricen on April 2, 2008.
3. The defendant has, to this date, not filed or served an Answer to the Complaint, although the Complaint included a Notice to Defend.
4. DCNR's Complaint requested that the Court order the defendant to pay DCNR \$11,679.12, the amount authorized by 42 Pa. C. S. § 8311.

5. Rule 1037 (b) of the Pennsylvania Rules of Civil Procedure authorizes the Prothonotary to enter judgment against a defendant who fails to file a required pleading to a Complaint which contains a notice to defend when so requested by Praecept of the plaintiff.

WHEREFORE, defendant having been served with DCNR's Complaint and Notice to Defend, DCNR hereby requests that defendant, Jason Bricen, be ordered to pay DCNR \$11,679.12, the amount requested in the Complaint.

Respectfully submitted



Virginia J. Davison  
Assistant Counsel  
PA Attorney ID No. 44717  
7<sup>th</sup> Floor, Rachel Carson State Office Bldg.  
PO Box 8767  
Harrisburg, PA 17105-8767  
Telephone 717-772-4171  
Fax 717-705-2830  
e-mail: [vdavison@state.pa.us](mailto:vdavison@state.pa.us)

**Certificate of Service**

I, Virginia J. Davison, hereby certify that on July 29, 2008, copy of the Praeclipe for Entry of Default Judgment was sent by regular, postage prepaid mail to:

Jason T. Bricen  
Hoovertown Road  
Penfield, PA 15849

Respectfully submitted,

*Virginia J. Davison*  
\_\_\_\_\_  
Virginia J. Davison  
Assistant Counsel

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF CONSERVATION AND  
NATURAL RESOURCES

Plaintiff

No. 08-381-CD

v.

JASON T. BRICEN,  
Defendant

To: JASON T. BRICEN

Date: July 14, 2008

**IMPORTANT NOTICE**

**YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.**

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSON AT A REDUCED FEE OR NO FEE.**

Mid Penn Legal Services  
211 East Locust Street  
Clearfield, PA 16830  
814-765-9646



Virginia J. Davison  
Assistant Counsel  
Department of Conservation and  
Natural Resources  
400 Market Street, PO Box 8767  
Harrisburg, PA 17105-8767  
Telephone: 717-772-4171

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Commonwealth of Pennsylvania Dept of  
Conservation & Natural Resources

Vs.

No. 2008-00381-CD

Jason T. Bricen

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered  
against you in the amount of \$11,679.12 on August 11, 2008.

William A. Shaw  
Prothonotary

---

William A. Shaw

Date: 8/11/2008 Clearfield County Court of Common Pleas NO. 1925360  
Time: 01:16 PM Receipt Page 1 of 1

Received of: Commonwealth of Pennsylvania (plaintiff) \$ 20.00

Twenty and 00/100 Dollars

Case: 2008-00381-CD	Plaintiff: Commonwealth of Pennsylvania,	Amount
Judgment		20.00
Total:		20.00

Jason Breu

Check: 48357

Payment Method: Check	William A. Shaw, Prothonotary/Clerk of Cou
Amount Tendered: 20.00	
Change Returned: 0.00	By: _____
Clerk: BILLSHAW	Deputy Clerk

## GENERAL INVOICE

INVOICE NO.

07-14-08-JTB-1

PAYOR (NAME AND ADDRESS) DCNR - Office of Chief Counsel Rachel Carson State Office Bldg. 7 <sup>th</sup> Fl. 400 Market Street, PO Box 8767 Harrisburg, PA 17105-8767	PAYEE (NAME AND ADDRESS) Clearfield County Prothonotary 230 E. Market Street Clearfield, PA 16830	DATE July 14, 2008
	SAP VENDOR # 159006-006	ORDER NO.
		V.T. NO. OR ADVANCEMENT ACCOUNT NO.

DATE OF TRANSACTION	ITEM AND DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
2/27/2008	Re: Civil Complaint - DCNR v. Jason T. Bricen <i>No. 08-381-CD</i> Filing fee - Praecipe to Enter Default Judgement  Make check payable to William A. Shaw, Prothonotary  Approved for payment:  <i>Kimberly A. Hummel</i> Kimberly A. Hummel, Chief Counsel				\$20.00

EXPENDITURE SYMBOL	SAP FUND	COST CENTER	GENERAL LEDGER	INTERNAL ORDER (FEDERAL)	TOTAL	AMOUNT
	1039907000	3813001001	6342100	W		\$20.00

I CERTIFY THAT THE ABOVE EXPENSES, SERVICES, MATERIALS OR PRODUCTS WERE ACTUALLY INCURRED, RENDERED OR FURNISHED FOR THE USE OF THE COMMONWEALTH OF PENNSYLVANIA, AND THAT THE ABOVE PRICES CHARGED WERE FAIR AND REASONABLE.

ACKNOWLEDGEMENT OF THE FOLLOWING IS REQUIRED IF PAYMENT IS MADE FROM ADVANCED REQUISITION MONEYS.

I HEREBY ACKNOWLEDGE RECEIPT IN FULL AS SET FORTH IN THIS INVOICE IN THE AMOUNT OF \$ \_\_\_\_\_

SIGNATURE

SIGNATURE

COMMONWEALTH OF PENNSYLVANIA - ADVANCEMENT ACCOUNT CHECK

CLEARFIELD COUNTY COMMISSIONERS  
PROTHONOTARY  
230 E MARKET ST STE 124  
CLEARFIELD PA 16830-2448

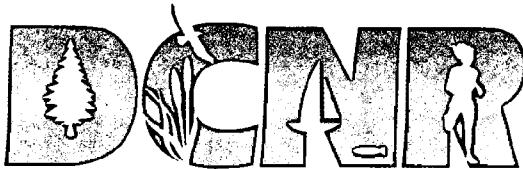
<b>Check</b>	
Document	1500611653
Date	07/16/2008
Page	1/1
Our accounting clerk	
Telephone	
Fax	
Your account with us	
159006	

.....FOLD ON THIS LINE FOR ADDRESS TO APPEAR IN WINDOW OF ENVELOPE.....

Invoice	Your document	Date	Deductions	Gross amount
2100703531	071408JTB1	07/14/2008	0.00	20.00
Sum total			0.00	20.00

Payment document	Check number	Date	Currency	Payment amount
1500611653	048357	07/16/2008	USD	*****20.00*

DETACH AND RETAIN THIS STATEMENT FOR YOUR RECORDS, THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED ABOVE



**Pennsylvania Department of Conservation and Natural Resources**

7<sup>th</sup> Floor, Rachel Carson State Office Building  
P.O. Box 8767  
Harrisburg, PA 17105-8767

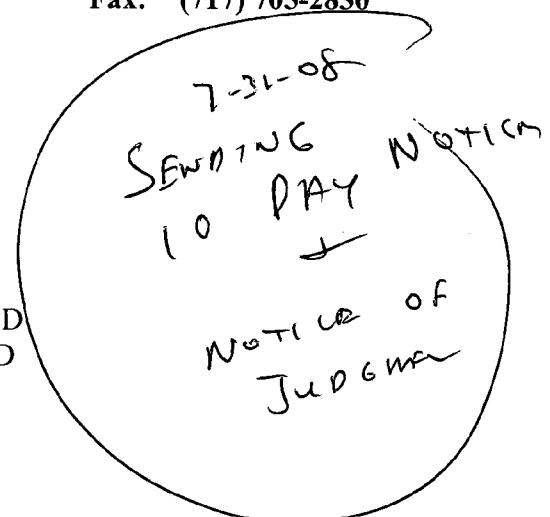
July 29, 2008

**Office of Chief Counsel**

(717) 772-4171  
Fax: (717) 705-2830

William Shaw  
Prothonotary  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

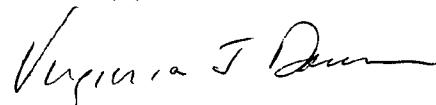
Re: DCNR v. Bricen No. 08-381-CD  
DCNR v. Pesce No. 08-382-CD



Dear Mr. Shaw:

Enclosed please find the Orders, the Praecipes for Entry of Default Judgment, the Certificates of Service and two checks in the amount of \$20 each for the filing fees.

Sincerely yours,

  
Virginia J. Davison

Assistant Counsel

Enclosures

cc: Jason Bricen, Christopher Michael Pesce

**Stewardship**

**Partnership**

**Service**

8-28-08

08-381-CD

JK

JASON BRICEN FILED

671 Hooversville RD  
Penfield PA 15849

0194501  
SEP 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Hello I am writing you on behalf of a letter I have received from DCNR. I tried to respond to letter but I sent it to Mid Penn legal services, not knowing it was the wrong place. I do have the prof that I did that, The whole reason for my letter is that I was wanting a judge to please hear my plea on this case. I respectfully thank you for hearing and reading what I have for you in this letter. I really appreciate if you's would hear what I have to say. A hearing would be very appreciated.

Thank you *Jason Brice* 8-28-08 Case No: 08-831-CD

Plaintiff: D.C.N.R

Defendant: JASON T BRICEN

Thank you

RECEIVED

SEP - 3 2008

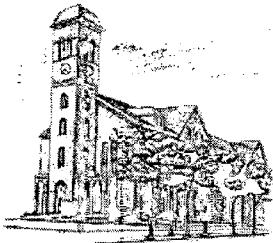
Clearfield County  
Attny Office

FILED

SEP 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts

WJD \_\_\_\_\_  
FCB \_\_\_\_\_  
LRN \_\_\_\_\_  
AMM \_\_\_\_\_  
EDL \_\_\_\_\_  
JAS \_\_\_\_\_  
Trial Fil \_\_\_\_\_  
PCRA \_\_\_\_\_  
PCRA Sub \_\_\_\_\_  
PA Superior Cou \_\_\_\_\_  
PA Supreme Cou \_\_\_\_\_  
Fed Co \_\_\_\_\_  
Misc. \_\_\_\_\_  
Bring b \_\_\_\_\_  
Update PR \_\_\_\_\_  
Notes \_\_\_\_\_



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830 □ Phone: (814) 765-2641 Ext. 1330 □ Fax: (814) 765-7659 □ [www.clearfieldco.org](http://www.clearfieldco.org)

June 27, 2008

Virginia J. Davison  
Office of Chief Counsel  
Pennsylvania DCNR  
7<sup>th</sup> Floor, Rachel Carson State Office Building  
PO Box 8767  
Harrisburg, PA 17105-8767

Re: DCNR v. Bricen No. 08-381-CD  
DCNR v. Pesce No. 08-382-CD

By Fax Only: (717) 705-2830

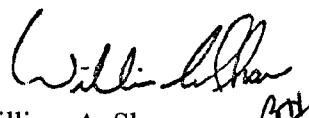
Dear Virginia J. Davison, Esq.:

This letter is to explain why I am returning your paperwork on the above referenced cases.

- 1) There is no sheriff return filed of record. Although both defendants were all ready served by the Sheriff, his office has not filed the returns of record. I cannot file default judgment until the return is filed.
- 2) There is a fee of \$20.00 per filing, yielding a balance due of \$40.00
- 3) A posted envelope addressed to each defendant is required for the mailing of his notice of judgment.
- 4) A 10-Day Notice is required for each filing.

Please re-submit the paperwork with the required documents and filing fees. Please also include a self-addressed stamped envelope for the return of receipts and appropriate paperwork. If you have any questions, please contact me at the Prothonotary's Office at (814) 765-2641, ext. 1330.

Sincerely,

  
William A. Shaw  
Prothonotary

June 27, 2008

Virginia J. Davison  
Office of Chief Counsel  
Pennsylvania DCNR  
7<sup>th</sup> Floor, Rachel Carson State Office Building  
PO Box 8767  
Harrisburg, PA 17105-8767

Re: DCNR v. Bricen No. 08-381-CD  
DCNR v. Pesce No. 08-382-CD

By Fax Only: (717) 705-2830

Dear Virginia J. Davison, Esq:

This letter is to explain why I am returning your paperwork on the above referenced cases.

- 1) There is no sheriff return filed of record. Although both defendants were already served by the Sheriff, his office has not filed the returns of record. I cannot file default judgment until the return is filed.
- 2) There is a fee of \$20.00 per filing, yielding a balance due of \$40.00
- 3) A posted envelope addressed to each defendant is required for the mailing of his notice of judgment.
- 4) A 10-Day Notice is required for each filing.

Please re-submit the paperwork with the required documents and filing fees. Please also include a self-addressed stamped envelope for the return of receipts and appropriate paperwork. If you have any questions, please contact me at the Prothonotary's Office at (814) 765-2641, ext. 1330.

Sincerely,

William A. Shaw  
Prothonotary

\*\*\*\*\*  
 \*\*\* FAX ACTIVITY REPORT TX \*\*\*  
 \*\*\*\*\*

ST. TIME	DESTINATION ADDRESS	NO.	MODE	PGS.	RESULT
*06/17 11:37		14122818589	1201	TX	ECM
*06/17 12:36	p-dot	17177838051	1202	TX	ECM
*06/18 09:58		7175818379	1203	TX	ECM
*06/18 15:49	p-dot	17177838051	1204	TX	ECM
*06/19 14:07		17177052308	1205	TX	ECM
*06/19 14:11		3713241	1206	TX	ECM
*06/20 11:59		17177317032	1207	TX	ECM
*06/20 16:42	sharon	3787175	1208	TX	ECM
*06/24 10:19		2264951	1209	TX	ECM
*06/24 11:59		12155690765	1210	TX	ECM
*06/25 12:30		2348376	1211	TX	ECM
*06/25 16:52		7654410	1212	TX	ECM
*06/26 16:16		16107753736	1213	TX	ECM
*06/27 14:27		17177052830	1214	TX	ECM
*06/27 14:47		9387766	1215	TX	ECM
*06/27 15:02		14122818589	1216	TX	ECM
*06/27 16:47	sharon	3787175	1217	TX	ECM
*07/01 12:11	Amy Farrell	17177723258	1218	TX	ECM
*07/01 13:30		2341549	1219	TX	ECM
					6
*07/01 13:35		2341549	1219	TX	ECM
07/02 15:51		17172382342	1220	TX	ECM
07/02 16:08		17177121238	1221	TX	ECM
07/02 16:09		17177121238	1222	TX	ECM
					3
					OK 00' 29