

08-382-CD

DCNR vs Christopher M. Pesce

FILED ^{pd \$95.00}
m/11:40 am
MAR 05 2008 ^{ACC Atty}

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL ACTION - (LAW)

NO. 08-382-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)

Christopher Michael Pesce
Defendant

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

Supreme Court No.: 44717

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

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

(717) 772-4171
(Phone)

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.

CHRISTOPHER MICHAEL PESCE,

Defendant

No. 08-382-CD

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, \$11,679.12, by certified check,
with 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.

CHRISTOPHER MICHAEL PESCE,

Defendant

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No.
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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 forests owned and managed by the Department is Moshannon State Forest.

2. Christopher Michael Pesce is a Pennsylvania resident whose last known address is 395 Main Street, Kersey, PA 15846.

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 Christopher Michael Pesce, 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 Pesce 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. Pesce to pay DCNR \$5,839.56 in restitution. The Court used its discretion to arrive at the conclusion that single damages would suffice.

10. The Department now seeks twice the market value of the timber from Mr. Pesce and submits Mr. Pesce's guilty plea as the proof for its request.

11. Granting to DCNR the amount in the request will make the Commonwealth whole under the conversion statute, 42 Pa. C.S. § 8311.

WHEREFORE, Defendant, Christopher Michael Pesce, having pleaded guilty to the unauthorized removal from Moshannon State Forest timber valued at \$5,839.56, the Department prays that this Court will order the defendant to pay \$11,679.12 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.

Samuel A. Sevier.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

15, 178



POLICE
CRIMINAL COMPLAINT

COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

NAME and ADDRESS
Christopher Michael Pesce
295 Main Street
Kersey, PA 15846

CP-17-CR-490-2006

Magisterial District Number: 46-3-01
District Justice Name: Hon. Patrick N. Ford
Address: 309 Maple Avenue, P.O. Box 32
DuBois, PA 15801
Telephone: (814) 371 - 5321

FILED

MAY 12 2006

William A. Shaw
Prothonotary/Clerk of Courts

Docket No.: CR-148-06
Date Filed: 04-27-06
OTN: K226075-3

395

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. 02/20/1977	Defendant's Social Security Number 210-56-7145	Defendant's SID 293-56-44-1
Defendant's A.K.A. Chris	Defendant's Vehicle Information: PLATE NUMBER YTB 0145 STATE PA REGISTRATION STICKER (MM/YY) Temp		Defendant's Driver's License Number STATE PA 24 229 998	
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

(Name of Affiant - Please Print or Type)

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

PA 0171900

(Identify Department or Agency Represented and Political Subdivision)

(Police Agency ORI Number)

I hereby certify this to be a true and correct copy of the original submitted in this case.
OCT 01 2007

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

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

☐ 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

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)

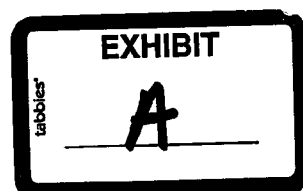
CHRISTOPHER MICHAEL PESCE and JASON THOMAS BRICEN

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 thereof.

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.



PNF

amended
5-5-06
PNF

Defendant's Name: CHRISTOPHER MICHAEL PESCE

Docket Number:

CR-148-06



POLICE CRIMINAL COMPLAINT

Driving while operating privilege is suspended or revoked §1543 (a) S – 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 blue Ford pickup bearing PA registration YTB 0145 and V.I.N. 2FTFF13F5ECA53222 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) S – 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 blue Ford pickup bearing PA registration YTB 0145 and V.I.N. 2FTFF13F5ECA53222 on Evans Fire Road, Nolan Road Rogers Lane, and Hoovertown Road (State Route 153) on Evans Fire Road, Nolan Road Rogers Lane, and Hoovertown Road (State Route 153) which was not covered by financial responsibility.

*amended 5-5-06 info
③ should be 4's*

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

Michelle A. Bullock
(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)

MA Bullock SEAL
(Issuing Authority)

Defendant's Name: CHRISTOPHER MICHAEL PESCE

Docket Number: CR-148-06



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 Hovertown.

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 Hovertown Road.

I saw an older blue Ford pickup at 671 Hovertown, 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 Hovertown 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 Hovertown 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 Hovertown 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.**

Michelle A. Billette

(Signature of Affiant)

Sworn to me and subscribed before me this 27th day of April, 2006

4/27/06 Date

MM Billette

, District Justice

My commission expires first Monday of January, 2012

SEAL

Defendant's Name: CHRISTOPHER MICHAEL PESCE

Docket Number:

CR-148-06



**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. *2062.73*

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

\$ 11,679.12

*5-5-06
12 amendments to
amounts p/ford*

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. Billette

(Signature of Affiant)

Sworn to me and subscribed before me this *27th* day of *April*, *2006*

4/27/06 Date *[Signature]*, District Justice

My commission expires first Monday of January, *2012*

SEAL

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

Criminal Action No. CP-17-CR-0000490-2006

COMMONWEALTH OF PENNSYLVANIA

VS.

CHRISTOPHER MICHAEL PESCE

FILED *efl*

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, Christopher Michael Pesce 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) -- Misdemeanor 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: DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR

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

COUNT V: 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.

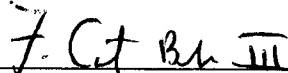
William A. Shaw
Prothonotary/
Clerk of Courts

Christopher Michael Pesce -- Docket Number: CP-17-CR-0000490-2006

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


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. 1543 (a)
75 Pa. C.S.A. 1786 (f)

RECEIVED
DCNR-CHIEF COUNSEL

07 OCT -9 PM 2:57

m. Billotte
DCNR

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

COMMONWEALTH OF PENNSYLVANIA :

VS

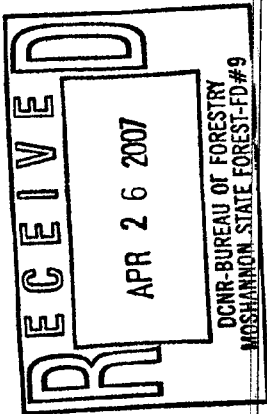
: NO. CP-17-CR-490-2006

CHRISTOPHER PESCE :

S E N T E N C E

NOW, this 10th day of April, 2007, Defendant having entered Guilty Plea to Criminal Conspiracy/Theft by Unlawful Taking, a Felony of the Third Degree; Receiving Stolen Property, a Felony of the Third Degree; and Summary Offenses 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 Plea, it is the SENTENCE of this Court that, on the charge of Criminal Conspiracy/Theft by Unlawful Taking, he pay for the benefit of Clearfield County Two Hundred Dollars (\$200.00), plus costs of prosecution; that he serve a period of Probation of Three (3) Years under the supervision of the Clearfield County Department of Probation Services, Adult Division, among the terms and conditions of which shall be that he serve Ninety (90) Days in the Clearfield County Jail with said period of incarceration to be initiated by the defendant reporting to jail no later than 3:00 p.m. on Friday, April 20th, 2007; while incarcerated, he shall strictly comply with all job tasks and responsibilities assigned to him by officials of the Clearfield County Jail.

Effective immediately, he shall refrain from possession or use of alcoholic beverages and controlled



substances, nor shall he enter any establishment that sells, provides or permits the same; he shall attend and successfully complete any such counseling as may be recommended by his supervising Probation Officer, plus any follow-up counseling or treatment as recommended, and be responsible for all costs associated therewith; that he make restitution in the amount of \$5,839.56 to the Department of Conservation Natural Resources/Department of Forestry District No. 9; that, pursuant to the state law requirements, he undergo DNA testing and pay costs in the amount of Two Hundred Fifty (\$250.00) Dollars therefor.

On the charge of Receiving Stolen Property, he pay for the benefit of Clearfield County Fifty Dollars (\$50.00), plus costs of prosecution; that he serve a period of Probation of Three (3) Years under the supervision of the Clearfield County Department of Probation Services, Adult Division, to be served concurrent to the period of probation as set forth above and under the same terms and conditions, with there being no additional period of incarceration.

On the Summary Offense of Driving Under Suspension non-DUI, that he pay a Two Hundred Ten Dollars (\$210.00) fine, plus costs.

On the Summary Offense of Required Financial Responsibility, that he pay a Three Hundred Ten Dollars (\$310.00) fine, plus costs.

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

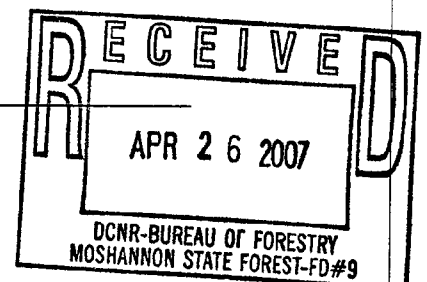
APR 25 2007

Attest.

William A. Ammerman
Prothonotary/
Clerk of Courts

BY THE COURT,
/s/ Fredric J. Ammerman

President Judge





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

COPY

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 the to 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,

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. 08-382-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)

Christopher Michael Pesce
Defendant

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

Supreme Court No.: 44717

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

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

(717) 772-4171
(Phone)

FILED ⁶²
MAR 13 2008
m1:0261 Sheriff
2cc

William A. Shaw
Prothonotary/Clerk of Courts

Revised Complaint submitted
3/13/08

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

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

COPY

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Plaintiff

v.

CHRISTOPHER MICHAEL PESCE,

Defendant

No. 08-382-CD

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, \$11,679.12, 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.

CHRISTOPHER MICHAEL PESCE,

Defendant

:
:
:
:
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: No.
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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 forests owned and managed by the Department is Moshannon State Forest.

2. Christopher Michael Pesce is a Pennsylvania resident whose last known address is 395 Main Street, Kersey, PA 15846.

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 Christopher Michael Pesce, 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 Pesce 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. Pesce to pay DCNR \$5,839.56 in restitution. The Court used its discretion to arrive at the conclusion that single damages would suffice.

10. The Department now seeks twice the market value of the timber from Mr. Pesce and submits Mr. Pesce's guilty plea as the proof for its request.

11. Granting to DCNR the amount in the request will make the Commonwealth whole under the conversion statute. 42 Pa. C.S. § 8311.

WHEREFORE, Defendant, Christopher Michael Pesce, having pleaded guilty to the unauthorized removal from Moshannon State Forest timber valued at \$5,839.56, the Department prays that this Court will order the defendant to pay \$11,679.12 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 PA.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



POLICE
CRIMINAL COMPLAINT

Judicial District Number: 46-3-01
District Justice Name: Hon. Patrick N. Ford
Address: 309 Maple Avenue, P.O. Box 82
DuBois, PA 15801
Telephone: (814) 371 - 5321

COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

Docket No.: CR-148-06

Date Filed: 04-27-06

OTN: K226075-3

FILED
MAY 12 2006
William A. Shaw
Prothonotary/Clerk of Courts

395

NAME and ADDRESS
Christopher Michael Pesce
295 Main Street
Kersey, PA 15846

CP-17-CR-490-2006

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. 02/20/1977	Defendant's Social Security Number 210-56-7145	Defendant's SID 293-56-44-1
Defendant's A.K.A. Chris	Defendant's Vehicle Information: PLATE NUMBER YTB 0145 STATE PA REGISTRATION STICKER (MM/YY) Temp		Defendant's Driver's License Number 24 229 998	
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

(Name of Affiant - Please Print or Type)

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

PA 0171900

(Identify Department or Agency Represented and Political Subdivision)

(Police Agency ORI Number)

I hereby certify this to be a true and correct copy of the original
submitted in this case.

(Originating Agency Case Number (UCA))

do hereby state: (check the appropriate box)

OCT 01 2007

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

Attest

William A. Shaw
Prothonotary/
Clerk of Courts

☐ 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

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)

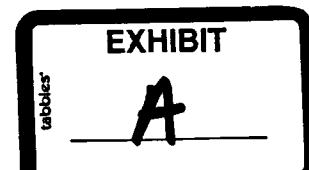
CHRISTOPHER MICHAEL PESCE and JASON THOMAS BRICEN

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 thereof.

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.



Defendant's Name: CHRISTOPHER MICHAEL PESCE

POLICE
CRIMINAL COMPLAINT



Docket Number: CR-148-06

Driving while operating privilege is suspended or revoked §1543 (a) S – 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 blue Ford pickup bearing PA registration YTB 0145 and V.I.N. 2FTFF13F5ECA53222 on Evans Fire Road, Nolan Road Rogers Lane, and Hovertown 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) S – 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 blue Ford pickup bearing PA registration YTB 0145 and V.I.N. 2FTFF13F5ECA53222 on Evans Fire Road, Nolan Road Rogers Lane, and Hovertown Road (State Route 153) on Evans Fire Road, Nolan Road Rogers Lane, and Hovertown Road (State Route 153) which was not covered by financial responsibility.

amended 5-5-06 P.M.
③ should be 4's

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)	(a) (subsection)	of the <u>18 Pa C.S.A.</u> (PA Statute)	<u>81 P.A.B.</u> (Counts)
2. <u>3925</u> (Section)	(a) (Subsection)	of the <u>18 Pa C.S.A.</u> (PA Statute)	<u>81 P.A.B.</u> (Counts)
3. <u>1543</u> (Section)	(a) (Subsection)	of the <u>75 Pa C.S.A.</u> (PA Statute)	<u>1</u> (Counts)
4. <u>1786</u> (Section)	(a) (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.

Michelle A. Belk
(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)

MA Belk SEAL
(Issuing Authority)

Defendant's Name: CHRISTOPHER MICHAEL PESCE

Docket Number:

CR-148-06



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.**

(Signature of Affiant)

Sworn to me and subscribed before me this

27th

day of

April

2006

4/27/06 Date

, District Justice

My commission expires first Monday of January, 2012

SEAL

Defendant's Name: CHRISTOPHER MICHAEL PESCE

Docket Number:

CR-148-06



**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. *2062.73*

Total value of all trees: \$4341.00

Total restitution: \$8682.00 (double estimated value)

\$ 11,679.12

*5-5-06
12 amendments to
amounts
per Ford*

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. Billette

(Signature of Affiant)

Sworn to me and subscribed before me this *27th* day of *April*, *2006*

4/27/06 Date *[Signature]*, District Justice

My commission expires first Monday of January, *2011*

SEAL

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

Criminal Action No. CP-17-CR-0000490-2006

COMMONWEALTH OF PENNSYLVANIA

VS.

CHRISTOPHER MICHAEL PESCE

FILED *epf*

MAY 10 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, Christopher Michael Pesce 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) -- Misdemeanor 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: DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR

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

COUNT V: 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

Christopher Michael Pesce -- Docket Number: CP-17-CR-0000490-2006

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

F. C. B. 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. 1543 (a)
75 Pa. C.S.A. 1786 (f)

m. Billotte
DCNR

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

COMMONWEALTH OF PENNSYLVANIA :

VS. :

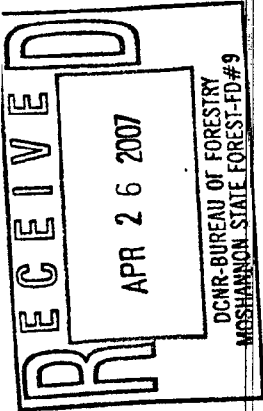
NO. CP-17-CR-490-2006

CHRISTOPHER PESCE :

S E N T E N C E

NOW, this 10th day of April, 2007, Defendant having entered Guilty Plea to Criminal Conspiracy/Theft by Unlawful Taking, a Felony of the Third Degree; Receiving Stolen Property, a Felony of the Third Degree; and Summary Offenses 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 Plea, it is the SENTENCE of this Court that, on the charge of Criminal Conspiracy/Theft by Unlawful Taking, he pay for the benefit of Clearfield County Two Hundred Dollars (\$200.00), plus costs of prosecution; that he serve a period of Probation of Three (3) Years under the supervision of the Clearfield County Department of Probation Services, Adult Division, among the terms and conditions of which shall be that he serve Ninety (90) Days in the Clearfield County Jail with said period of incarceration to be initiated by the defendant reporting to jail no later than 3:00 p.m. on Friday, April 20th, 2007; while incarcerated, he shall strictly comply with all job tasks and responsibilities assigned to him by officials of the Clearfield County Jail.

Effective immediately, he shall refrain from possession or use of alcoholic beverages and controlled



substances, nor shall he enter any establishment that sells, provides or permits the same; he shall attend and successfully complete any such counseling as may be recommended by his supervising Probation Officer, plus any follow-up counseling or treatment as recommended, and be responsible for all costs associated therewith; that he make restitution in the amount of \$5,839.56 to the Department of Conservation Natural Resources/Department of Forestry District No. 9; that, pursuant to the state law requirements, he undergo DNA testing and pay costs in the amount of Two Hundred Fifty (\$250.00) Dollars therefor.

On the charge of Receiving Stolen Property, he pay for the benefit of Clearfield County Fifty Dollars (\$50.00), plus costs of prosecution; that he serve a period of Probation of Three (3) Years under the supervision of the Clearfield County Department of Probation Services, Adult Division, to be served concurrent to the period of probation as set forth above and under the same terms and conditions, with there being no additional period of incarceration.

On the Summary Offense of Driving Under Suspension non-DUI, that he pay a Two Hundred Ten Dollars (\$210.00) fine, plus costs.

On the Summary Offense of Required Financial Responsibility, that he pay a Three Hundred Ten Dollars (\$310.00) fine, plus costs.

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

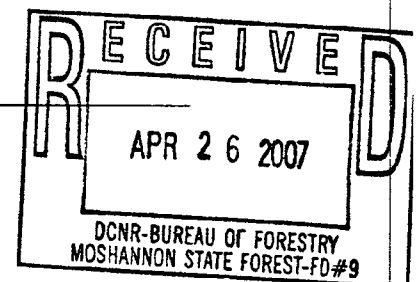
APR 25 2007

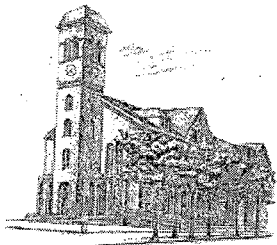
Attest,

William B. Prothman
Prothonotary

BY THE COURT,
/s/ Fredric J. Ammerman

President Judge





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

June 27, 2008

COPY

Virginia J. Davison
Office of Chief Counsel
Pennsylvania DCNR
7th 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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103879
NO: 08-382-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: COMMONWEALTH OF PENNSYLVANIA, DEPT. OF CONSERVATION & NATURAL RESOURCES
vs.
DEFENDANT: CHRISTOPHER MICHAEL PESCE

SHERIFF RETURN

NOW, March 24, 2008, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON CHRISTOPHER MICHAEL PESCE.

NOW, April 01, 2008 AT 5:54 PM SERVED THE WITHIN COMPLAINT ON CHRISTOPHER MICHAEL PESCE, DEFENDANT. THE RETURN OF ELK COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED

0/3:00Zm
JUL 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103879
NO: 08-382-CD
SERVICES 1
COMPLAINT

PLAINTIFF: COMMONWEALTH OF PENNSYLVANIA, DEPT. OF CONSERVATION & NATURAL RESOURCES
vs.
DEFENDANT: CHRISTOPHER MICHAEL PESCE

SHERIFF RETURN

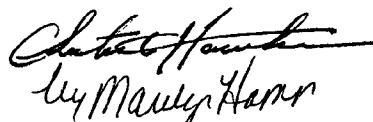
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	COMM/DCNR	043385	10.00
SHERIFF HAWKINS	COMM/DCNR	043385	21.00
ELK CO.	COMM/DCNR	042596	31.10

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

Affidavit of Service

Commonwealth of Pennsylvania Dept.
of Conservation & Natural Resources

vs.

Christopher Michael Pesce

No. 382 Term, 20 08

Returnable within _____ days
from date of service hereof.

NOW April 1, 20 08 at 5:54 o'clock P.M.

served the within Complaint on Christopher Michael Pesce
of 395 Main Street, Kersey, Elk County, PA

at the Courthouse parking lot off South Broad Street, Ridgway, Elk County, PA

by handing to him

a true and attested copy of the original Complaint and made

known to him the contents thereof. Sheriff's Costs - \$31.10 PAID

Sworn to before me this 29th

day of April A.D. 20 08

Mayorie J. Fitzgerald

Prothonotary

My Commission Expires
January 2, 2012

So answers

Jeffrey C. Krieg

Sheriff

Earl C. Pontious

Deputy



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641

FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 103879

TERM & NO. 08-382-CD

COMMONWEALTH OF PENNSYLVANIA, DEPT. OF CONSERVATION & NATURAL RESOURCES

COMPLAINT

VS.

CHRISTOPHER MICHAEL PESCE

SERVE BY: 04/12/08

COURT DATE:

MAKE REFUND PAYABLE TO COMM. OF PA./DCNR

SERVE: CHRISTOPHER MICHAEL PESCE

ADDRESS: 295 MAIN ST., KERSEY, PA

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ELK COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, March 24, 2008.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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. Brown
Prothonotary/
Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL ACTION - (LAW)

NO.

08-382-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)

Christopher Michael Pesce
Defendant

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

Supreme Court No.: 44717

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

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

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

(717) 772-4171
(Phone)

MAR 13 2008

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

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

J

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

COMMONWEALTH OF PENNSYLVANIA.
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,

Plaintiff

v.

CHRISTOPHER MICHAEL PESCE.

Defendant

No.

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 forests owned and managed by the Department is Moshannon State Forest.

2. Christopher Michael Pesce is a Pennsylvania resident whose last known address is 395 Main Street, Kersey, PA 15846.

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 Christopher Michael Pesce, 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 Pesce 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. Pesce to pay DCNR \$5,839.56 in restitution. The Court used its discretion to arrive at the conclusion that single damages would suffice.

10. The Department now seeks twice the market value of the timber from Mr. Pesce and submits Mr. Pesce's guilty plea as the proof for its request.

11. Granting to DCNR the amount in the request will make the Commonwealth whole under the conversion statute, 42 Pa. C.S. § 8311.

WHEREFORE, Defendant, Christopher Michael Pesce, having pleaded guilty to the unauthorized removal from Moshannon State Forest timber valued at \$5,839.56, the Department prays that this Court will order the defendant to pay \$11,679.12 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 PA.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



POLICE
CRIMINAL COMPLAINT

Magisterial District Number: 46-3-01

District Justice Name: Hon. Patrick N. Ford

Address: 309 Maple Avenue, P.O. Box 52
DuBois, PA 15801

Telephone: (814) 371 - 5321

COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

Docket No.: CR-148-06

Date Filed: 04-27-06

OTN: K226075-3

FILED
MAY 12 2006
William A. Shaw
Prothonotary/Clerk of Courts

395

NAME and ADDRESS
Christopher Michael Pesce
295 Main Street
Kersey, PA 15846

CP-17-CR-490-2006

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. 02/20/1977	Defendant's Social Security Number 210-56-7145	Defendant's SID 293-56-44-1
Defendant's A.K.A. Chris	Defendant's Vehicle Information PLATE NUMBER YTB 0145 STATE PA REGISTRATION STICKER (MM/YY) Temp		Defendant's Driver's License Number STATE PA 24 229 998	
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

(Name of Affiant - Please Print or Type)

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

PA 0171900

(Identify Department or Agency Represented and Political Subdivision)

(Police Agency ORI Number)

I hereby certify this to be a true
and correct copy of the original
complaint in this case.

(Originating Agency Case Number (OCA))

do hereby state: (check the appropriate box)

OCT 01 2007

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

Attest:

William A. Shaw
Prothonotary/
Clerk of Courts

☐ 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

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)

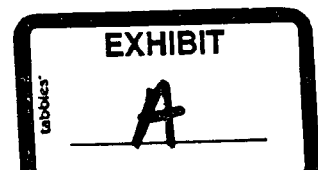
CHRISTOPHER MICHAEL PESCE and JASON THOMAS BRICEN

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 thereof.

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.



Defendant's Name: CHRISTOPHER MICHAEL PESCE



POLICE CRIMINAL COMPLAINT

Docket Number: CR-148-06

Driving while operating privilege is suspended or revoked §1543 (a) S - 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 blue Ford pickup bearing PA registration YTB 0145 and V.I.N. 2FTFF13F5ECA53222 on Evans Fire Road, Nolan Road Rogers Lane, and Hovertown 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) S - 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 blue Ford pickup bearing PA registration YTB 0145 and V.I.N. 2FTFF13F5ECA53222 on Evans Fire Road, Nolan Road Rogers Lane, and Hovertown Road (State Route 153) on Evans Fire Road, Nolan Road Rogers Lane, and Hovertown Road (State Route 153) which was not covered by financial responsibility.

*amended 5-5-06 info
③ should be 4's*

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

Michelle A. Bell
(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.

46-3-07

(Magisterial District)

MA Bell SEAL

(Issuing Authority)

Defendant's Name: CHRISTOPHER MICHAEL PESCE

Docket Number:

CR-148-06



**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.**

(Signature of Affiant)

Sworn to me and subscribed before me this

27th

day of

April

2006

4/27/06 Date

, District Justice

My commission expires first Monday of January 2012

SEAL

Defendant's Name: CHRISTOPHER MICHAEL PESCE

Docket Number:

CR-148-06



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. *2062.73*

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

\$ 11,679.12

5-5-06
12 amendments to amounts per Ford

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. Billette

(Signature of Affiant)

Sworn to me and subscribed before me this 27th day of April, 2006

4/27/06 Date *[Signature]*, District Justice

My commission expires first Monday of January, 2011

SEAL

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

Criminal Action No. CP-17-CR-0000490-2006

COMMONWEALTH OF PENNSYLVANIA

VS.

CHRISTOPHER MICHAEL PESCE

FILED *epl*

MAY 10 2007

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, Christopher Michael Pesce 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) -- Misdemeanor 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: DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR

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

COUNT V: 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

Christopher Michael Pesce -- Docket Number: CP-17-CR-0000490-2006

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


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. 1543 (a)
75 Pa. C.S.A. 1786 (f)

m. Billotte
DCNR

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

COMMONWEALTH OF PENNSYLVANIA :

VS

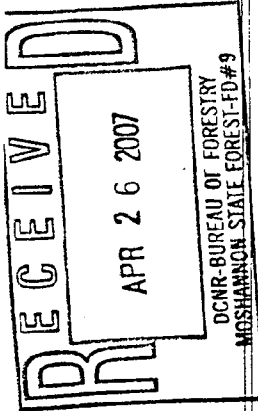
: NO. CP-17-CR-490-2006

CHRISTOPHER PESCE :

SENTENCE

NOW, this 10th day of April, 2007, Defendant having entered Guilty Plea to Criminal Conspiracy/Theft by Unlawful Taking, a Felony of the Third Degree; Receiving Stolen Property, a Felony of the Third Degree; and Summary Offenses 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 Plea, it is the SENTENCE of this Court that, on the charge of Criminal Conspiracy/Theft by Unlawful Taking, he pay for the benefit of Clearfield County Two Hundred Dollars (\$200.00), plus costs of prosecution; that he serve a period of Probation of Three (3) Years under the supervision of the Clearfield County Department of Probation Services, Adult Division, among the terms and conditions of which shall be that he serve Ninety (90) Days in the Clearfield County Jail with said period of incarceration to be initiated by the defendant reporting to jail no later than 3:00 p.m. on Friday, April 20th, 2007; while incarcerated, he shall strictly comply with all job tasks and responsibilities assigned to him by officials of the Clearfield County Jail.

Effective immediately, he shall refrain from possession or use of alcoholic beverages and controlled



substances, nor shall he enter any establishment that sells, provides or permits the same; he shall attend and successfully complete any such counseling as may be recommended by his supervising Probation Officer, plus any follow-up counseling or treatment as recommended, and be responsible for all costs associated therewith; that he make restitution in the amount of \$5,839.56 to the Department of Conservation Natural Resources/Department of Forestry District No. 9; that, pursuant to the state law requirements, he undergo DNA testing and pay costs in the amount of Two Hundred Fifty (\$250.00) Dollars therefor.

On the charge of Receiving Stolen Property, he pay for the benefit of Clearfield County Fifty Dollars (\$50.00), plus costs of prosecution; that he serve a period of Probation of Three (3) Years under the supervision of the Clearfield County Department of Probation Services, Adult Division, to be served concurrent to the period of probation as set forth above and under the same terms and conditions, with there being no additional period of incarceration.

On the Summary Offense of Driving Under Suspension non-DUI, that he pay a Two Hundred Ten Dollars (\$210.00) fine, plus costs.

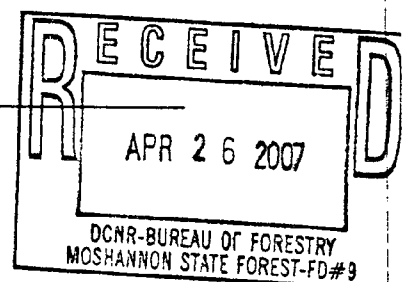
On the Summary Offense of Required Financial Responsibility, that he pay a Three Hundred Ten Dollars (\$310.00) fine, plus costs.

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

APR 25 2007

BY THE COURT,
/s/ Fredric J. Ammerman

President Judge



Attest,

William A. Allen
Prothonotary

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY

FILED
AUG 11 2008
M 11:30 (u)
William A. Shaw
Prothonotary/Clerk of Courts
NOTICE TO
DEPT.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES
Plaintiff

No. 08-382-CD

v.

CHRISTOPHER MICHAEL PESCE,
Defendant

Praeipice for Entry of Default Judgment

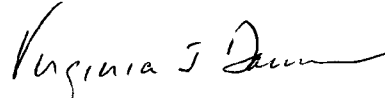
NOW, pursuant to the authority of Pennsylvania Rule of Civil Procedure 1037, comes the plaintiff, Commonwealth of Pennsylvania, Department of Conservation and Natural Resources (DCNR) and files this Praeipice requesting that the Court grant it the relief requested in its Complaint for damages for timber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

1. On or about March 15, 2008, DCNR filed its Complaint for timber conversion damages with this Court.
2. The Elk County Sheriff served the Complaint on Christopher Michael Pesce 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 Praecipe of the plaintiff.

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

Respectfully submitted



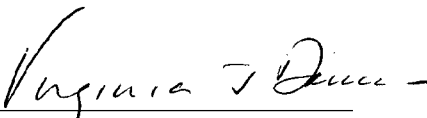
Virginia J. Davison
Assistant Counsel
PA Attorney ID No. 44717
7th Floor, Rachel Carson State Office Bldg.
PO Box 8767
Harrisburg, PA 17105-8767
Telephone 717-772-4171
Fax 717-705-2830
e-mail: vdavison@state.pa.us

Certificate of Service

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

Christopher Michael Pesce
395 Main Street
Kersey, PA 15846

Respectfully submitted,



Virginia J. Davison
Assistant Counsel

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES
Plaintiff

v.

CHRISTOPHER MICHAEL PESCE,
Defendant

No. 08-382-CD

To: CHRISTOPHER MICHAEL PESCE

Date: July 14, 2008

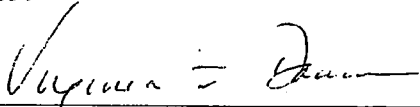
IMPORTANT NOTICE

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

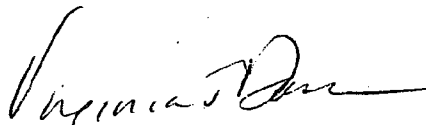
Certificate of Service

I, Virginia J. Davison, hereby certify that on July 14, 2008, a Rule 237 Notice and Praeipie for Entry of Judgment was sent by regular, postage prepaid mail to:

Jason T. Bricen
671 Hoovertown Road
Penfield, PA 15849

Michael Christopher Pesce
395 Main Street
Kersey, PA 15846

Respectfully submitted,



Virginia J. Davison
Assistant Counsel

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Commonwealth of Pennsylvania Department of
Trans. Dept of Conservation & Natural Resources

Vs.

No. 2008-00382-CD

Christopher Michael Pesce

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
Time: 02:11 PM

Clearfield County Court of Common Pleas
Receipt

NO. 1925370
Page 1 of 1

Received of: Commonwealth of Pennsylvania Department \$ 20.00

, PA
Twenty and 00/100 Dollars

Case: 2008-00382-CD	Plaintiff: Commonwealth of Pennsylvania D	Amount
Judgment		20.00
Total:		20.00

Check: 48357

Payment Method: Check
Amount Tendered: 20.00
Change Returned: 0.00
Clerk: BILLSHAW

William A. Shaw, Prothonotary/Clerk of Cou
By: _____
Deputy Clerk

COMMONWEALTH OF PENNSYLVANIA - ADVANCEMENT ACCOUNT CHECK

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

Check	
Document	1500611654
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
2100703537	071408CMP1	07/14/2008	0.00	20.00
Sum total			0.00	20.00

TROY © CHECK PAPERS

Payment document	Check number	Date	Currency	Payment amount
1500611654	048358	07/16/2008	USD	*****20.00*

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

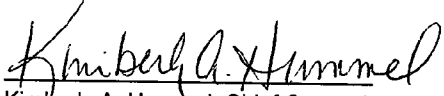
GENERAL INVOICE

INVOICE NO.	07-14-08-CMP-1
DATE	July 14, 2008
ORDER NO.	
V.T. NO. OR ADVANCEMENT ACCOUNT NO.	
TERMS	

PAYOR (NAME AND ADDRESS)
DCNR - Office of Chief Counsel
Rachel Carson State Office Bldg. 7th 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

SAP VENDOR #
159006-006

DATE OF TRANSACTION	ITEM AND DESCRIPTION				QUANTITY	UNIT	UNIT PRICE	AMOUNT
2/27/2008	Re: Civil Complaint - DCNR v. Christopher Michael Pesce <i>Na 08-382-CD</i> Filing fee - Praecipe to Enter Default Judgement Make check payable to William A. Shaw, Prothonotary Approved for payment:  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 MONIES.

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

SIGNATURE

SIGNATURE