

NO. 22-5563

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IN THE  
SUPREME COURT OF THE UNITED STATES

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NOEL L. BROWN - PETITIONER

VS.

COMMONWEALTH OF PENNSYLVANIA ET AL., - RESPONDENT(S)

NOTICE OF MOTION  
ON PETITION FOR RECONSIDERATION OF  
PETITION FOR WRIT OF CERTIORARI TO  
THE UNITED STATES SUPREME COURT

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(SUPREME COURT OF THE UNITED STATES)

(NAME OF COURT THAT LAST RULED ON THE MERITS OF THIS CASE)

PETITION FOR WRIT OF CERTIORARI  
UNDER (28 U.S.C. §1257)(28 U.S.C. §1867(a)(b)&(U.C.C. §2-206(1)(a))

NOEL BROWN MW0387 SCI. SOMERSET, 1590 WALTER MILL RD SOMERSET PA 15510

**RECEIVED**

**DEC 13 2022**

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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THE QUESTION PRESENTED IS:

1. Does the substantive holding in the Uniform Electronic Transaction Act of(1999),that Pennsylvania, have electronic commerce, authentication, or signature laws, apply to petitioner on rehearing collateral review to petitioner?
2. Does the substantive holding in Electronic Signatures in Global and National Commerce Act of(2000), that to bolster enforcement of electronic contracts. They are procedural statutes that defer to existing substantive law but remove any barriers in those substantive laws that are based upon the method of transaction. WHEREIN, permits notary public's to act electronically, eliminating stamp or seal requirements, apply on rehearing on collateral review to petitioner?
3. Did petitioner do his due diligence in meeting a potential client in an public setting to verify details before committing to sign a electronic transaction, apply on rehearing on collateral review to petitioner?
4. Does the State of Pennsylvania not meeting the burden of proof, the degree of proof necessary for a criminal conviction, beyond a reasonable doubt, that gross wild speculations alone did not amount to a public wrong, apply to petitioner on reconsideration collateral review to petitioner?
5. Does the substantive holding in the Parol Evidence Rule, which prohibits either of the parties the State of Pennsylvania Lower Courts and the United States Supreme Court, from contradicting or invalidating a fully written contract by means of evidence prior or contemporaneous to the contract and external to the contract, apply on reconsideration collateral review to petitioner?

6. Does the unlawful arrest followed by conviction, due to gross wild speculations, without the consideration of clear undisputed facts stated by or in contract, a per se, denial of due process, in violation of the Fourteenth Amendment?

7. Does the substantial holding according to UCC 2-206(1)(a), that acceptance of contract in any manner or by any medium, so long as reasonable and meeting the requirements of the offer (if any), is as effective as any other method. Apply on collateral review to petitioner?

8. Does the substantial holding under U.S.C. §1867(a)(b), that challenges to the make up of the jury panel should be made before the voir dire. Apply on collateral review to petitioner?

9. What is the interpretation of Constitutional Protection Under 28 U.S.C. §1257?

10. What is the interpretation of Constitutional Protection under 29 U.S.C.S. §§623?

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QUESTIONS PRESENTED

In the Uniform Electronic Transaction Act of 1999, the UETA strives to eliminate obstacles that the Statute of Frauds might impose by stating four basic principles, at §7: (a) A record or signature may not be denied legal effect solely because it is in electronic form; (b) A contract may not be denied legal effect solely because an electronic record was used in its formation; (c) If a law requires a record to be in writing, an electronic record satisfies the law; (d) If a law requires a signature, an electronic signature satisfies the law.

Pursuant to these principles, electronic records and signatures via digital formats, website click-through processes, or other technologies may take the place of traditional paper and ink. WHEREBY, the medium in which a record, signature, or contract is created, presented or retained does not affect its legal significance. Under UETA §7, ESIGN, likewise counters any Statutes of Frauds defense. Under UETA or ESIGN, people can buy insurance, open bank or brokerage accounts, buy securities or mutual funds, get a new mortgage, or apply for work, or gain employment, or take other online actions without signing a piece of paper.

UETA and ESIGN do not mandate the use of electronic records or signatures and thus apply only if the parties agree to conduct transactions via electronic means.

\* NOTE MENTIONING: If the parties to a contract have reduced their agreement to writing, why should they be permitted to scienter or introduce other evidence contrary to their own written understanding?

STATUTES

28 U.S.C. §1257(a)

28 U.S.C. §1867 (A)(b)

U.C.C. §2-206(1)(a)

RULES

U.S.C.S. §§623

UNIFORM ELECTRONIC TRANSITION ACT OF 1999

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT 2000

UNIFORM COMMERCIAL CODE

CASE CITED

MIRANDA V. ARIZONIA (

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PETITION FOR RECONSIDERATION FOR WRIT OF CERTIORARI

Mr. Noel L. Brown, respectfully petition for a reconsideration for a writ of certiorari to review the judgement/order of the Pennsylvania Supreme Court.

OPINION BELOW

The opinion/order of the United States Supreme Court, is attached herein as appendix No.1

JURISDICTION

The jurisdiction is invoked pursuant to 28 U.S.C.§1257(a),(U.S.C.§1867(a)(b) and (U.C.C.§2-206(1)(a)

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## RELEVANT CONSTITUTIONAL PROVISIONS

The Ninth Amendment to the United States Constitution provides; The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

The Tenth Amendment, to the United States Constitution provides; The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States-respectively, or to the people.

28 U.S.C. §1867(A)(b): Challenges to the makeup of the panel should be made before the Vior Dire, or within seven days after the moving party discovered or could have discovered by the exercise of diligence, the grounds for challenge.

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## STATEMENT OF THE CASE

Petitioner Noel Brown, filed petition for a writ of certiorari. Case no.22-5563, seeking review of his illegal conviction in the State of Pennsylvania, whereby numerous appeals has been denied in the state highest court without cause. The respondents has been timely noticed of the pending case on review within the United States Supreme Court. HOWEVER, respondents did not submit their waiver forms, or answer to the traverse against said respondents. It is undisputed petitioner has made self-representation petition, on account of not being able to pay cost and fees associated with his petition. Petitioner has done his best to comply to the standards requirement of the United States Supreme Court, though he has no prior training. Poverty should never render ones pursuit of justice denied.

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THE UNITED STATES SUPREME COURT RULING:

On November 14th 2022, the United States Supreme Court entered the following order in the above-entitled case; "The petition for a writ of certiorari is denied". No other opinion was rendered.

REASON FOR GRANTING PETITION FOR RECONSIDERATION OF THE  
WRIT OF CERTIORARI

Petitioner has unequivocally noted that their had been a systematic exclusion of a distinctive group in the community in the jury selection process which violated clearly established Constitutional rights to the petitioner.

FURTHERMORE, petitioner has stated that he is a member of a group which warrants protection under the Fourteenth Amendment. Additionally, petitioner had challenged said systematic exclusion of a distinctive group before the voir dire, as is required under U.S.C. §1867(a)(b), challenge is undisputed within the Due Process Hearings of petitioner on November 4th 2016

The records will show that undisputed order memorializing ruling from the bench denying petitioner's motion for continuance of trial, due to the unavailability of witnesses. The records will further show petitioner's timely raised issued of misconduct in the jury selection process.

It is undisputed facts that petitioners arrest on June 30th 2016, was improper, inappropriate and inaccurate, by the state Trooper O'brian's omission in Miranda violations, under oath at trial proceedings. The records will show the confrontation clause violations, by the subsequently the failure of arresting officer to attend trial proceedings. The Supreme Court held "that confrontation clause's guarantees a defendants right to confront those who bear testimony against him".



Thus a witness testimony against a defendant is therefore inadmissible unless the witness appears at trial.

The records will show that the court failed to appoint lawyer at the most critical stage of the case. NOTWITHSTANDING, that petitioner made an unequivocal request for the appointment of counsel at the time of his arrest. HOWEVER, the court did at sometime during the appeal process appoint counsel to represent petitioner on his Post Conviction Collateral Relief. however, the court appoints counsel that lacked complete competence, a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skills, thoroughness, and preparation reasonably necessary for the representation.

The court appointed counsel, also lack diligence. A lawyer shall act with reasonable diligence and promptness in representing a client. The court appointed counsel did engaged in professional misconduct, for requesting that petitioner pay a fee for his representation, and engaged in conduct that was prejudicial to the administration of justice, and to engage in conduct that the lawyer knows or reasonable should know is barrasment.

#### CONCLUSION

Prejudice occurred at trial, due to the use of inadmissible evidence that was briefly considered by the jury. ADDITIONALLY, it is undisputed that undisclosed evidence and testimony withheld, that would have change the result of the proceedings, because it is exculpatory and impeaching, and thus favorable to the petitioner.

For all the above reasons including those reasons not repeated here, within both petition for writ of certiorari at 20-8015, with the attached appendix.

In addition, the questions presented is so important that plenary review is warranted. For the Pennsylvania Supreme Court has so far departed from the accepted and usual course of judicial proceedings, in the denial of petition for specialize review. THEREBY, sanctioned such a departure by the lower court, as to call for an exercise of this courts supervisory power.

This petition for reconsideration for a writ of certiorari should be GRANTED. Thank You.

December 3rd 2022.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "H. Brown", is written over the "Respectfully Submitted," text.

COMBINED CERTIFICATIONS

I Noel Brown, certify that the following grounds within this petition for reconsideration are limited to intervening circumstances of substantial and controlling effect. ADDITIONALLY, there are other equally substantial grounds not previously presented.

Yours Truly,



I Noel Brown, certify that this petition for rehearing is being presented in good faith, and not for delay.

Sincerely,



CERTIFICATE OF SERVICE

I Noel Brown, hereby certify that copies of this petition for reconsideration has been sent via regular U.S. Mail, to the following parties;

DISTRICT ATTORNEY WAYNE COUNTY COURTHOUSE  
925 COURT STREET HONESDALE, PA 18431

OFFICE OF THE ATTORNEY GENERAL OF PENNSYLVANIA  
STRAWBERRY SQUARE  
HARRISBURG, PA 17106

11/16/2022

12/05/2022

Yours Truly,

  
Noel Brown

**Additional material  
from this filing is  
available in the  
Clerk's Office.**