

APPENDIX (A)

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

NOEL BROWN,

Petitioner

v.

ERIC TICE,

Respondent

: No. 20 WAL 2023
:
:
: Application for Reconsideration
:
:
:
:
:
:
:

ORDER

PER CURIAM

AND NOW, this 2nd day of August, 2023, the "Application for Rehearing" is
DENIED.

A True Copy Nicole Traini
As Of 08/02/2023

Attest: Nicole Traini
Chief Clerk
Supreme Court of Pennsylvania

Attest: Melba Haini
Chief Clerk
Supreme Court of Pennsylvania



Supreme Court of Pennsylvania

Western District

Betsy Ceraso, Esq.
Deputy Prothonotary
Nicole Traini
Chief Clerk

801 City-County Building
414 Grant Street
Pittsburgh, PA 15219
(412) 565-2816
www.pacourts.us

April 3, 2023

RE: Brown, N., Pet. v. Tice
20 WAL 2023
Intermediate Court Docket No: 1472 WDA 2021
Trial Court: Somerset County Court of Common Pleas
Trial Court Docket No: No 549 Civil 2021

Dear Eric W. Tice
Somerset County District Attorney's Office

This is to advise that the below listed item(s) was/were received in the above-captioned matter.

Motion for Release From State Custody

An original (unbound) and one (1) copy of either the Answer, or a letter stating that an Answer will not be filed, is required to be filed within fourteen (14) days after service. An additional three (3) days may be added if service was effectuated by mail. See Rule Pa.R.A.P. 121(e).

All filings must contain a certification of compliance with the Public Access Policy of the Unified Judicial System. For more information, visit www.pacourts.us/public-records/public-records-policies.

Very truly yours,

Office of the Prothonotary

/kao
cc: Noel Brown



Supreme Court of Pennsylvania

Western District

Betsy Ceraso, Esq.
Deputy Prothonotary
Nicole Traini
Chief Clerk

801 City-County Building
414 Grant Street
Pittsburgh, PA 15219
(412) 565-2816
www.pacourts.us

January 23, 2023

RE: Commonwealth v. Brown, N., Pet.
No: 20 WAL 2023
Consolidated Cases:
Intermediate Court Docket No: 1472 WDA 2021
Trial Court: Somerset County Court of Common Pleas
Trial Court Docket No: No 549 Civil 2021

Dear Eric W. Tice
Somerset County District Attorney's Office

This is to advise that a Petition for Allowance of Appeal was received in the above-captioned matter.

Pursuant to Pa.R.A.P. 1116, an Answer, or a letter stating that an Answer will not be filed, to the Petition for Allowance of Appeal (original and one copy) may be filed within fourteen days after service of the Petition. An additional three days may be added if service was effectuated by mail (Pa.R.A.P. 121(e)). Please note that in accordance with Pa.R.A.P. 121(c), service by mail is complete on mailing, thus the time for filing an Answer runs from that date, not the date the Petition was actually received.

The Office of the Prothonotary requests that all filers leave the original copy of any document submitted for filing unbound. All remaining copies of answers should be bound in compliance with Pa.R.A.P. 124 (a)(5).

All filings must contain a certification of compliance with the Public Access Policy of the Unified Judicial System. For more information, visit www.pacourts.us/public-records/public-records-policies.

Very truly yours,

Office of the Prothonotary

/kao

cc: Noel Brown
The Honorable D. Gregory Geary, President Judge

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APPENDIX (B)

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

NOEL BROWN	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
	:	
v.	:	
	:	
	:	
ERIC TICE	:	No. 1472 WDA 2021

Appeal from the Order Entered November 18, 2021
In the Court of Common Pleas of Somerset County Civil Division at
No(s): No 549 Civil 2021

BEFORE: BENDER, P.J.E., DUBOW, J., and KING, J.

MEMORANDUM BY BENDER, P.J.E.:

FILED: OCTOBER 24, 2022

Appellant, Noel Brown, appeals *pro se* from the trial court's November 18, 2021 order denying his petition for writ of *habeas corpus*. Appellant contends his incarceration is illegal because he was ostensibly denied his right to counsel at various stages of the trial proceedings in his underlying criminal case. We affirm.

This Court previously summarized the facts and procedural history of Appellant's underlying criminal case, which was filed and prosecuted in the Wayne County Court of Common Pleas, as follows:

The record reveals that on June 29, 2016, A.C., the fifteen-year-old victim in this case, was reported as a runaway. A.C. had answered an online advertisement seeking escorts and strippers. On that day, A.C. left her mother's house with Appellant. By tracking A.C.'s cellular telephone, Pennsylvania State Police were able to locate A.C. at a local motel. When the police arrived, they noticed that A.C. appeared intoxicated; A.C. stated that Appellant had given her vodka. The troopers transported A.C. to the State

Police barracks and questioned her regarding the events of the prior evening. A.C. told the troopers that she had answered an online advertisement for escorts, and Appellant picked her up and drove her to the motel. At the motel, Appellant provided A.C. with liquor, and A.C. fell asleep. Police discovered that after A.C. fell asleep, Appellant undressed A.C., exposed her breasts, took a photograph of the minor's breasts, and placed the photograph online in an effort to utilize A.C. as a prostitute. Police also recovered a document signed by A.C. wherein she agreed to work for Appellant, and Appellant would act as her pimp.

Police arrested Appellant and charged him with numerous crimes in connection with the aforementioned events. At the preliminary hearing before a magisterial district judge, there was a colloquy consistent with **Commonwealth v. Grazier**, 713 A.2d 81, 82 (Pa. 1998),¹ and a thorough discussion of the factors outlined in Pa.R.Crim.P. 121(A)(2) concerning *pro se* representation. N.T., 7/18/16, at 8. At the subsequent hearing on pretrial motions, Appellant informed the trial court that he remained steadfast in his desire to represent himself. N.T., 10/3/16, at 4. The trial court questioned Appellant, urged him to retain counsel, and informed Appellant that the court would appoint counsel. **Id.** Appellant reiterated that he would not accept counsel and would represent himself. **Id.** The trial court ultimately permitted Appellant to proceed *pro se*, but the trial court appointed standby counsel. **Id.** Following a jury trial, Appellant was found guilty of interference with custody of children, dissemination of photos of child sex acts, corruption of minors, furnishing liquor to minors, and trafficking [] minors.^[1]

¹ In **Commonwealth v. Grazier**, 713 A.2d 81, 82 (Pa. 1998), the Supreme Court of Pennsylvania held that when a defendant wishes to waive counsel, an on-the-record determination should be made that said waiver is knowing, intelligent, and voluntary.

¹ 18 Pa.C.S. § 2904(a), 18 Pa.C.S. § 6312(c), 18 Pa.C.S. § 6301(a)(1)(ii), 18 Pa.C.S. § 3011(b), and 18 Pa.C.S. § 6310.1(a), respectively.

Commonwealth v. Brown, No. 649 EDA 2017, unpublished memorandum at 1-3 (Pa. Super. filed Oct. 23, 2017) (some citations to the record and two footnotes omitted).

On February 3, 2017, the Wayne County trial court sentenced Appellant to an aggregate term of 180 to 384 months' incarceration. He filed a timely, *pro se* appeal, and we affirmed his judgment of sentence after concluding that Appellant had waived his issues for our review due to the "overwhelming deficiencies" in his *pro se* brief. **Id.** at 4.

In 2018, Appellant filed a *pro se* petition under the Post Conviction Relief Act (PCRA), 42 Pa.C.S. §§ 9541-9546. Counsel was appointed and subsequently filed a 'no-merit' letter and petition to withdraw. The PCRA court ultimately dismissed Appellant's petition and granted counsel leave to withdraw. Appellant filed a timely, *pro se* appeal, but we dismissed his appeal, again on the basis that Appellant had filed a wholly deficient brief. **See Commonwealth v. Brown**, 2388 EDA 2019, unpublished memorandum at 6-7 (Pa. Super. filed Mar. 24, 2020).

Appellant, who is currently serving his sentence in the State Correctional Institution at Somerset ("SCI Somerset"), filed a petition for writ of *habeas corpus* on September 30, 2021, in the Court of Common Pleas of Somerset County. Appellant named Eric Tice — the purported warden of SCI Somerset — as the respondent, and vaguely claimed that Tice was illegally detaining him. On October 19, 2021, the trial court denied the petition, without

prejudice, based on Appellant's failing to set forth specific facts to make out a *prima facie* case for the issuance of the writ.

On November 2, 2021, Appellant again filed, in the Somerset County Court of Common Pleas, a petition for writ of *habeas corpus*, which he construed as an amendment to his prior-filed petition. Therein, Appellant raised various new claims, including, *inter alia*, that his rights to a speedy and public trial were violated, that his due process rights were violated by a suggestive identification procedure, that certain evidence should have been suppressed at trial, that the trial court erred by not granting Appellant's request for a continuance at one point during the trial, and that the jury *voir dire* process was invalid. On November 18, 2021, the court denied Appellant's petition. He filed a timely, *pro se* notice of appeal on December 8, 2021. In his subsequently-filed, *pro se* brief (which does not adhere to the Rules of Appellate Procedure in any meaningful fashion), Appellant seemingly raises a wholly new claim that he was denied his right to counsel at various stages of his criminal prosecution and, thus, that his incarceration is illegal.

Initially, the PCRA provides "the sole means of obtaining [post-conviction] collateral relief and encompasses all other common law and statutory remedies for the same purpose that exist..., including *habeas corpus* and *coram nobis*." 42 Pa.C.S. § 9542; **see also *Commonwealth v. Fowler***, 930 A.2d 586, 591 (Pa. Super. 2007) ("It is equally well-settled that the PCRA provides the sole means for obtaining collateral review, and that any petition filed after the judgment of sentence becomes final will be treated as a PCRA

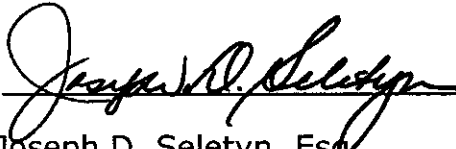
petition”) (internal citation omitted). Furthermore, Pennsylvania Rule of Criminal Procedure 901(B) states that “[a] proceeding for post-conviction collateral relief shall be initiated by filing a petition and 3 copies **with the clerk of the court in which the defendant was convicted and sentenced.**” Pa.R.Crim.P. 901(B) (emphasis added). Pennsylvania Rule of Criminal Procedure 902(A) requires that the petition shall bear the caption of the case in which relief is requested.

Here, Appellant’s petition for writ of *habeas corpus* raises collateral attacks on the validity of his underlying criminal conviction that are cognizable under the PCRA. It must, therefore, be considered a PCRA petition pursuant to **Fowler, supra**. Notably, Appellant incorrectly filed his PCRA petition in the Court of Common Pleas of Somerset County, where he is currently serving his sentence, rather than in the Court of Common Pleas of Wayne County, in which he was convicted and sentenced. Appellant also mislabeled the caption of his petition, naming Eric Tice as the respondent, rather than providing the caption of his underlying criminal case in which he is seeking the requested relief. Accordingly, the Somerset County Court of Common Pleas could not have jurisdiction to grant Appellant PCRA relief from his conviction in the Wayne County Court of Common Pleas.²

² Moreover, because Appellant was sentenced in 2017, and his present PCRA petition was not filed until 2021, it is patently untimely, and he must plead and prove the applicability of one of the exceptions to the PCRA’s one-year time-bar. **See** 42 Pa.C.S. § 9545(b)(1)(i)-(iii). Appellant failed to meet this (Footnote Continued Next Page)

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 10/24/2022

burden in his *pro se* petition. Thus, even if the Somerset County Court of Common Pleas was the proper court in which to file Appellant's petition, it lacked jurisdiction to grant him post-conviction relief. ***See Commonwealth v. Lawson***, 90 A.3d 1, 8 (Pa. Super. 2014) ("Because the instant PCRA petition was untimely and no exceptions apply, the PCRA court lacked jurisdiction to address the claims presented and grant relief.") (citing ***Commonwealth v. Fairiror***, 809 A.2d 396, 398 (Pa. Super. 2002) (holding that the PCRA court lacks jurisdiction to hear untimely petition). Likewise, this Court lacks jurisdiction to consider the merits of Appellant's appeal from the denial of his untimely petition. ***Id.*** (citing ***Commonwealth v. Johnson***, 803 A.2d 1291, 1294 (Pa. Super. 2002) (holding that the Superior Court lacks jurisdiction to reach merits of appeal from untimely PCRA petition)). Accordingly, we would affirm the order denying Appellant post-conviction relief on this basis, as well.

**IN THE SUPERIOR COURT OF PENNSYLVANIA
WESTERN DISTRICT**

NOEL BROWN

Appellant

v.

ERIC TICE

: No. 1472 WDA 2021
:
:
:
:
:
:
:

ORDER

IT IS HEREBY ORDERED:

THAT the application filed November 2, 2022, requesting reargument of the decision dated October 24, 2022, is DENIED.

PER CURIAM

NOEL BROWN

Appellant

v.

ERIC TICE

: IN THE SUPERIOR COURT OF
: PENNSYLVANIA
:
: Somerset County Civil Division
: No 549 Civil 2021
:
:
:
: No. 1472 WDA 2021

ORDER

Upon consideration of the June 27, 2022 "Motion for Proffer of the Evidence," filed by *pro se* Appellant Brown, the Motion is **DENIED**.

PER CURIAM

APPENDIX (C)

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1472 WDA 2021

Page 1 of 4

October 3, 2022



CAPTION

Noel Brown
Appellant
v.

Eric Tice

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: July 29, 2022 Awaiting Decision

Journal Number: J-S25004-22

Case Category: Civil

Case Type(s): Habeas Corpus

CONSOLIDATED CASES

RELATED CASES

SCHEDULED EVENT

Next Event Type: Appellee Brief Filed

Next Event Due Date: May 4, 2022

COUNSEL INFORMATION

Appellant Brown, Noel

Pro Se: Yes

IFP Status: Yes

Pro Se: Noel Brown
Address: SCI - Somerset
Inmate No. MW0387
1600 Walters Mill Road
Somerset, PA 15510-0001

Appellee Tice, Eric W.

Pro Se: Yes

IFP Status: No

Pro Se: Eric W. Tice
Address: Warden
c/o SCI-Somerset
1590 Walters Mill Rd
Somerset, PA 15510

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: November 18, 2021

Notice of Appeal Filed: December 8, 2021

Order Type: Order Entered

Documents Received: December 13, 2021

Court Below: Somerset County Court of Common Pleas

County: Somerset

Division:

Somerset County Civil Division

Judge: Geary, D. Gregory

OTN:

Docket Number: No 549 Civil 2021

Judicial District:

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Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1472 WDA 2021

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October 3, 2022



ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Original Record	March 28, 2022	1 Part
Trial Court Opinion	March 28, 2022	

Date of Remand of Record:

BRIEFING SCHEDULE

Appellant		Appellee	
Brown, Noel		Tice, Eric W.	
Brief		Brief	
Due: May 9, 2022	Filed: April 4, 2022	Due: May 4, 2022	Filed:
Supplemental Brief			
Due: May 23, 2022	Filed: May 23, 2022		

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 13, 2021	Notice of Appeal Docketed	Appellant	Brown, Noel
December 14, 2021	Docketing Statement Exited (Civil)		Superior Court of Pennsylvania
December 27, 2021	Application for Relief	Appellant	Brown, Noel
December 27, 2021	Docketing Statement Received (Civil)	Appellant	Brown, Noel
January 13, 2022	Order Denying Application for Relief		Per Curiam
	Comment: Upon consideration of the December 21, 2021 "Request for Counsel Appointment," filed by pro se Appellant Brown and docketed in this Court on December 27, 2021 as an "Application for Relief," the Application is DENIED WITHOUT PREJUDICE to Appellant's right to seek the appointment of counsel in the trial court.		
March 11, 2022	Notice to Lower Court Regarding Delinquent Record		Superior Court of Pennsylvania
March 28, 2022	Trial Court Record Received		Somerset County Civil Division
March 28, 2022	Briefing Schedule Issued		Superior Court of Pennsylvania
March 28, 2022	Trial Court Opinion Received		Somerset County Civil Division
March 31, 2022	Application for Relief	Appellant	Brown, Noel

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1472 WDA 2021

Page 3 of 4

October 3, 2022



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
April 1, 2022	Order Denying Application for Relief		Per Curiam
	Comment: Upon consideration of the March 31, 2022 "Pro Se, Rebuttal Statement," filed by pro se Appellant Brown and docketed in this Court as an "Application for Relief," wherein Appellant states that he is offering a rebuttal in response to the trial court's Pa.R.A.P. 1925(a) statement, the following is ORDERED: To the extent Appellant is raising issues regarding the merits of the appeal, the Application is DENIED WITHOUT PREJUDICE to Appellant's right to raise all properly-preserved issues in his appellate brief.		
April 4, 2022	Appellant's Brief Filed	Appellant	Brown, Noel
April 6, 2022	Application to File Reduced Number of Brief Copies	Appellant	Brown, Noel
April 6, 2022	Reply Received (Submission)	Appellant	Brown, Noel
	Document Name: Incarcerated		
April 13, 2022	Order Granting Appellant's Application to File Reduced Number of Brief Copies		Per Curiam
	Comment: Upon consideration of the April 6, 2022 "Motion for Filing Reduced Number of Copies of Briefs & Reproduced Records," filed by pro se Appellant Brown, and as it appears that Appellant filed his appellate brief in this Court on April 6, 2022, although there is no indication that the brief was served on Appellee Tice, the following is ORDERED: The Motion is GRANTED in that the Prothonotary of this Court is DIRECTED to accept Appellant's brief as filed. The Motion is further GRANTED in that Appellant shall not be required to file a reproduced record. Appellant Brown is DIRECTED to serve 1 bound copy of his brief on Appellee Tice.		
May 23, 2022	Application to File Supplemental Brief	Appellant	Brown, Noel
May 23, 2022	Appellant's Supplemental Brief Filed	Appellant	Brown, Noel
	Comment: Upon consideration of the May 23, 2022 letter filed by Appellant Brown and docketed in this Court as an "Application to File Supplemental Brief," the following is ORDERED: The Application is GRANTED in that the Prothonotary is DIRECTED to accept Appellant's Supplemental Brief as filed. The Prothonotary of this Court is DIRECTED to forward a copy of the instant supplemental brief to Appellee Tice. Appellee may then file his brief in this Court within 30 days from the date of this Order in accordance with Pa.R.A.P. 2185(a)(1).		

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1472 WDA 2021

Page 4 of 4

October 3, 2022



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 1, 2022	Order Granting Application to File Supplemental Brief		Per Curiam
Comment: Upon consideration of the May 23, 2022 letter filed by Appellant Brown and docketed in this Court as an "Application to File Supplemental Brief," the following is ORDERED: The Application is GRANTED in that the Prothonotary is DIRECTED to accept Appellant's Supplemental Brief as filed. The Prothonotary of this Court is DIRECTED to forward a copy of the instant supplemental brief to Appellee Tice. Appellee may then file his brief in this Court within 30 days from the date of this Order in accordance with Pa.R.A.P. 2185(a)(1).			
June 27, 2022	Application for Relief	Appellant	Brown, Noel
July 1, 2022	Order Denying Application for Relief		Per Curiam
Comment: Upon consideration of the June 27, 2022 "Motion for Proffer of the Evidence," filed by pro se Appellant Brown, the Motion is DENIED.			
July 12, 2022	Submission Letter Sent		Wagner, Bobbi Jo
July 25, 2022	Post-Submission Communication Pa.R.A.P. 2501B - Change in Status	Appellant	Brown, Noel

SESSION INFORMATION

Journal Number: J-S25004-22
 Consideration Type: Submit Panel
 Listed/Submitted Date: July 25, 2022

Panel Composition:

The Honorable John T. Bender	President Judge Emeritus
The Honorable Alice B. Dubow	Judge
The Honorable Megan King	Judge

APPENDIX (D)

AGENCY AGREEMENT

This Agency Agreement (the ☐ Agreement ☐) is made on June 30, 2016 (the ☐ Effective Date ☐) by and between by and between Black Starz4u Inc., a Entertainment[corporation] [limited liability company] [etc.] (the "Principal¹"), and Amaya J Castro, a Individual [corporation] [limited liability company] [etc.] (the ☐ Agent ☐) (each a ☐ Party ☐ and collectively the ☐ Parties ☐).

RECITALS

WHEREAS, the Principal is engaged in the business of Entertainment; and Massage Therapy [etc.]

WHEREAS, the Principal wishes to appoint the Agent as its [exclusive] agent to Provide Entertainment; and any Physical Therapy [etc.]

WHEREAS, the Agent agrees to accept such appointment on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual agreements and representations contained in this Agreement, the Parties hereby agree as follows:

1. PURPOSE; APPOINTMENTS.

The Principal hereby appoints the Agent as its [exclusive] agent for the purpose of performing the duties listed in Exhibit A hereto (the ☐ Duties ☐) in such manner as the Principal may hereafter instruct. The Agent hereby accepts the appointment and agrees to perform the Duties and act as the Principal's agent in accordance with the terms and conditions of this Agreement and Exhibit A.

2. TERM.

(Option 1)

This Agreement shall become effective as of the Effective Date and, unless otherwise terminated in accordance with the provisions of Section 10 of this Agreement, will continue until the Duties have been satisfactorily completed and the Principal has been paid in full for such Duties (the ☐ Term ☐) [; provided, however, that in no event shall this Agreement remain effective for longer than #20 years].

(Option 2)

This Agreement shall become effective as of the Effective Date and, unless otherwise terminated in accordance with the provisions of Section 10 of this Agreement, shall be

for ten (10) years, and for successive ten (10) years periods thereafter, unless either Party gives written notice pursuant to Section 10 that the Agreement is to terminate (the ☐Term☐) [provided, however, that in no event shall this Agreement remain effective for longer than #20 years].

As used in this Agreement, the word ☐Term☐ shall mean the full term of the Agreement, as it may be extended pursuant to this Section 2 or otherwise.

3. RESPONSIBILITIES; SCOPE OF AUTHORITY.

The Agent shall not represent itself as having any powers except those specified in this Agreement. Without limiting the foregoing, the Agent shall not have authority to Deny Service or otherwise obligate the Principal in any way except as stated in this Agreement or otherwise specifically authorized in writing by the Principal.

4. TERRITORY.

Option 1

The Territory of the Agent shall not be limited.

[or]

Option 2

During the Term of this Agreement, the Agent☐s shall perform its Duties in the following geographical area, [which area shall be the Agent☐s exclusive territory] (the ☐Territory☐): USA, WORLDWIDE [etc.]

5. COMPENSATION.

Option 1

In consideration of the Agent☐s services hereunder, the Principal shall pay the Agent the sum of 50% of gross revenue whenever received, and due and payable to the Agent in connection with any Tips or Extra Charges resulting from efforts of the Agent during [or within the #12 months following] the Term.

Option 2

In consideration of the Principal☐s services hereunder, the Agent shall pay the Principal 50% according to the following schedule: Each Appointment & or Contracts

6. TAXES.

Each Party will indemnify, hold harmless, and defend the other Party from and against any and all claims, litigations, losses, liabilities, costs, and other expenses incurred as a result of a material breach of the terms of this Agreement. The Agent will indemnify and hold harmless the Principal (including its directors, officers, attorneys, and employees) from any claims, liability, judgments, damages, or costs (including reasonable attorneys' fees asserted or awarded against or incurred by the Principal as a result of any act, error, or omission of the Agent.

14. USE OF TRADEMARKS.

The Agent recognizes the Principal's right, title, and interest in and to all service marks, trademarks, and trade names used by the Principal and agrees not to engage in any activities or commit any acts, directly or indirectly, that may contest, dispute, or otherwise impair the Principal's right, title, and interest therein, nor shall the Agent cause diminishment of the value of said trademarks or trade names through any act or representation. The Agent shall not apply for, acquire, or claim any right, title, or interest in or to any such service marks, trademarks, or trade names, or others that may be confusingly similar to any of them, through advertising or otherwise. Effective as of the termination of this Agreement, the Agent shall cease to use all of the Principal's trademarks, marks, and trade names.

15. RELATIONSHIP OF PARTIES.

The Agent is an independent contractor and is not an employee of the Principal.

16. ASSIGNMENT.

Neither Party may assign this Agreement or any interest herein without the other Party's express prior written consent.

17. SUCCESSORS AND ASSIGNS.

All references in this Agreement to the Parties shall be deemed to include, as applicable, a reference to their respective successors and assigns. The provisions of this Agreement shall be binding on and shall inure to the benefit of the successors and assigns of the Parties.

18. NO IMPLIED WAIVER.

The failure of either Party to insist on strict performance of any covenant or obligation under this Agreement, regardless of the length of time for which such failure continues, shall not be a waiver of such Party's right to demand strict compliance in the future. No consent or waiver, express or implied, to or of any breach or default in the performance of any obligation shall constitute a consent or waiver to or of any other breach or default in the performance of the same or any other obligation.

19. NOTICE.

Any notice or other communication provided for herein or given hereunder to a Party hereto shall be in writing and shall be given in person, by overnight courier, or by mail (registered or certified mail, postage prepaid, return receipt requested) to the respective Party as follows:

If to the Principal: Black Starz4u Entertainment Inc.
P.O. Box 330700
Brooklyn NY 11233

If to the Agent: Amaya J Castro
333 86st
Brooklyn NY, 11209

20. GOVERNING LAW.

This Agreement shall be governed by the laws of the state of Pennsylvania, without regard to its conflicts of law provisions.

21. COUNTERPARTS/ELECTRONIC SIGNATURES.

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument. For purposes of this Agreement, use of a facsimile, e-mail, or other electronic medium shall have the same force and effect as an original signature.

22. SEVERABILITY.

If any provision of this Agreement is held to be invalid or unenforceable for any reason, (i) the invalid or unenforceable provision or term shall be replaced by a term or provision that is valid and enforceable and that comes closest to expressing the intention of such invalid or unenforceable term or provision and (ii) the remaining terms and provisions hereof shall be unimpaired and shall remain in full force and effect.

23. ENTIRE AGREEMENT.

This Agreement constitutes the entire understanding between the Parties concerning its subject matter and supersedes all prior discussions, agreements, and representations, whether oral or written, and whether or not executed by either Party. No modification, amendment, or other change may be made to this Agreement unless reduced to writing and executed by authorized representatives of both Parties.

24. HEADINGS.

The headings of sections in this Agreement are provided for convenience of reference only and are not intended to be a part of or affect the meaning or interpretation of this Agreement or any section.

[SIGNATURE PAGE FOLLOWS]

TITLE	Amaya Castor Contract
FILE NAME	agency-agreement.doc
DOCUMENT ID	ca22d55c38f6b37a6e1f7b0b394370b8d5070435
STATUS	• Completed

Document History



SENT

06/30/2016
06:25:27 UTC

Sent for signature to Amaya Castro (amayajcastro@gmail.com)
IP: 172.58.185.180



VIEWED

06/30/2016
06:49:30 UTC

Viewed by Amaya Castro (amayajcastro@gmail.com)
IP: 172.58.185.180



SIGNED

06/30/2016
07:20:34 UTC

Signed by Amaya Castro (amayajcastro@gmail.com)
IP: 172.58.185.180



COMPLETED

06/30/2016
07:20:34 UTC

The document has been completed.



IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

PRINCIPAL

[BLACK STARZ4U ENTERTAINMENT INC.]

By: 

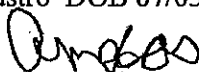
Name: N.B

Title: General Manager

AGENT

[XXX Tees]

Amaya J Castro DOB 07/05/1997



By: _____

Name: Amaya J Castro

Title: XXX Tees.



APPENDIX (E)

COURT OF COMMON PLEAS OF WAYNE COUNTY

DOCKET



Docket Number: CP-64-CR-0000258-2016

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Noel L Brown

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CASE INFORMATION

Cross Court Docket Nos: 454 MT 2017, 649 EDA 2017, 643 MT 2017, 689 MT 2017, 10 MM 2018, 2388 EDA 2019, 156 MT 2020

Judge Assigned: Date Filed: 07/20/2016 Initiation Date: 06/30/2016

OTN: X 032260-4 LOTN: X 032260-4 Originating Docket No: MJ-22304-CR-0000041-2016

Initial Issuing Authority: Ronald Edwards Final Issuing Authority: Ronald Edwards

Arresting Agency: PSP - Honesdale Arresting Officer: Palmer, Sharon L.

Complaint/Citation No.: PA2016 37284 Incident Number:

Case Local Number Type(s): Case Local Number(s):

STATUS INFORMATION

<u>Case Status:</u> Closed	<u>Status Date</u>	<u>Processing Status</u>	<u>Arrest Date:</u> 06/30/2016
	09/10/2021	Completed	
	08/16/2019	Awaiting Appellate Court Decision	
	04/25/2018	Completed	
	02/13/2017	Awaiting Appellate Court Decision	
	02/03/2017	Sentenced/Penalty Imposed	
	02/03/2017	Awaiting PSI	
	02/03/2017	Awaiting Sentencing	
	11/08/2016	Awaiting PSI Completion	
	11/08/2016	Awaiting Sentencing	
	11/08/2016	Awaiting Trial	
	11/07/2016	Awaiting Formal Arraignment	
	10/31/2016	Awaiting Trial	
	07/20/2016	Awaiting Formal Arraignment	
	07/20/2016	Awaiting Filing of Information	

Complaint Date: 06/30/2016

CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Formal Arraignment	08/10/2016	9:00 am			Scheduled

CONFINEMENT INFORMATION

<u>Confinement</u>	<u>Confinement</u>	<u>Destination</u>	<u>Confinement</u>	<u>Still in</u>
<u>Known As Of</u>	<u>Type</u>	<u>Location</u>	<u>Reason</u>	<u>Custody</u>
06/06/2019	State Correctional Institution	SCI Somerset		Yes

Exhibit

COURT OF COMMON PLEAS OF WAYNE COUNTY

DOCKET



Docket Number: CP-64-CR-0000258-2016

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Noel L Brown

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DEFENDANT INFORMATION

Date Of Birth: 12/03/1974 City/State/Zip: Somerset, PA 15510

Alias Name
Brown, Noel Lee

CASE PARTICIPANTS

Participant Type Name
Defendant Brown, Noel L. (Pro Se)

BAIL INFORMATION

Brown, Noel L. Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	06/30/2016	Monetary		\$30,000.00		
Increase Bail Amount	07/06/2016	Monetary		\$100,000.00		

CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1	F2	18 § 2904 §§ A	Interference W/Custody Of Children	06/29/2016	X 032260-4
2	2	F2	18 § 6312 §§ C	Dissem Photo/Film of Child Sex Acts	06/29/2016	X 032260-4
3	3	F3	18 § 6301 §§ A1ii	Corruption Of Minors - Defendant Age 18 or Above	06/29/2016	X 032260-4
4	4	M3	18 § 6310.1 §§ A	Sell/Furnish Liquor Etc Minor	06/29/2016	X 032260-4
5	5	F1	18 § 3011 §§ B	Trafficking in Minors	06/29/2016	X 032260-4
6	6	F2	18 § 2902 §§ B2	Unlawful Restraint of Minor/Not Parent - Involuntary Servitude	06/29/2016	X 032260-4

DISPOSITION SENTENCING/PENALTIES

<u>Disposition</u>	<u>Disposition Date</u>	<u>Final Disposition</u>
<u>Case Event</u>	<u>Offense Disposition</u>	<u>Grade Section</u>
<u>Sequence/Description</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>
<u>Sentencing Judge</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>
<u>Sentence/Diversion Program Type</u>		
<u>Sentence Conditions</u>		

Held for Court (Lower Court) Defendant Was Present

<u>Lower Court Disposition</u>	<u>07/18/2016</u>	<u>Not Final</u>
1 / Interference W/Custody Of Children	Held for Court (Lower Court)	F2 18 § 2904 §§ A
2 / Dissem Photo/Film of Child Sex Acts	Held for Court (Lower Court)	F2 18 § 6312 §§ C
3 / Corruption Of Minors - Defendant Age 18 or Above	Held for Court (Lower Court)	F3 18 § 6301 §§ A1ii
4 / Sell/Furnish Liquor Etc Minor	Held for Court (Lower Court)	M3 18 § 6310.1 §§ A

COURT OF COMMON PLEAS OF WAYNE COUNTY

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DISPOSITION/SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			

5 / Trafficking in Minors	Held for Court (Lower Court)	F1	18 § 3011 §§ B
6 / Unlawful Restraint of Minor/Not Parent - Involuntary Servitude	Held for Court (Lower Court)	F2	18 § 2902 §§ B2

Proceed to Court

Information Filed	08/09/2016	Not Final	
1 / Interference W/Custody Of Children	Held for Court (Lower Court)	F2	18 § 2904 §§ A
2 / Dissem Photo/Film of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C
3 / Corruption Of Minors - Defendant Age 18 or Above	Held for Court (Lower Court)	F3	18 § 6301 §§ A1ii
4 / Sell/Furnish Liquor Etc Minor	Held for Court (Lower Court)	M3	18 § 6310.1 §§ A
5 / Trafficking in Minors	Held for Court (Lower Court)	F1	18 § 3011 §§ B
6 / Unlawful Restraint of Minor/Not Parent - Involuntary Servitude	Held for Court (Lower Court)	F2	18 § 2902 §§ B2

Added by Information

Amended Information Filed	11/07/2016	Not Final	
1 / Interference W/Custody Of Children	Held for Court (Lower Court)	F2	18 § 2904 §§ A
2 / Dissem Photo/Film of Child Sex Acts	Held for Court (Lower Court)	F2	18 § 6312 §§ C
3 / Corruption Of Minors - Defendant Age 18 or Above	Held for Court (Lower Court)	F3	18 § 6301 §§ A1ii
4 / Sell/Furnish Liquor Etc Minor	Held for Court (Lower Court)	M3	18 § 6310.1 §§ A
5 / Trafficking in Minors	Held for Court (Lower Court)	F1	18 § 3011 §§ B
6 / Unlawful Restraint of Minor/Not Parent - Involuntary Servitude	Dismissed by Information	F2	18 § 2902 §§ B2

GUILTY

Trial	11/08/2016	Final Disposition	
1 / Interference W/Custody Of Children	Guilty	F2	18 § 2904 §§ A
Hamill, Raymond L.	02/03/2017		
Confinement	Min of 15.00 Months		
	Max of 36.00 Months		
	Other		

Submit to DNA sample and pay \$250.00 for the cost

You shall comply with all the Adam Walsh requirements as a registered sex offender.

Defendant has credit time from June 30, 2016 to February 3, 2017

COURT OF COMMON PLEAS OF WAYNE COUNTY

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DISPOSITION/SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u> <u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>
<u>Sentence Conditions</u>		

The defendant is a Tier 111 offender who is subject to a Lifetime registration period. Therefore, the defendant shall be transported by the Sheriff's Dept. to the Dimmick Booking Center for processing by the Adult Probation & Parole Dept. per initial registration (42 Ps.C.S.A. 9799.19)b.1). The Sheriff will maintain custody and transport the inmate to the Wayne County Correctional Facility upon completion.

2 / Dissemination of Child Sex Acts	Guilty	F2	18 § 6312 §§ C
Hamill, Raymond L.	02/03/2017		
Confinement	Min of 36.00 Months		
	Max of 72.00 Months		
	Other		
3 / Corruption Of Minors - Defendant Age 18 or Above	Guilty	F3	18 § 6301 §§ A1ii
Hamill, Raymond L.	02/03/2017		
Confinement	Min of 9.00 Months		
	Max of 36.00 Months		
	Other		
4 / Sell/Furnish Liquor Etc Minor	Guilty	M3	18 § 6310.1 §§ A
Hamill, Raymond L.	02/03/2017		
No Further Penalty			
5 / Trafficking in Minors	Guilty	F1	18 § 3011 §§ B
Hamill, Raymond L.	02/03/2017		
Confinement	Min of 120.00 Months		
	Max of 240.00 Months		
	Other		
6 / Unlawful Restraint of Minor/Not Parent - Involuntary Servitude	Dismissed by Information	F2	18 § 2902 §§ B2
Hamill, Raymond L.	02/03/2017		

COURT OF COMMON PLEAS OF WAYNE COUNTY

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LINKED SENTENCES:

Link 1

CP-64-CR-0000258-2016 - Seq. No. 2 (18§ 6312 §§ C) - Confinement is Consecutive to

CP-64-CR-0000258-2016 - Seq. No. 1 (18§ 2904 §§ A) - Confinement

Link 2

CP-64-CR-0000258-2016 - Seq. No. 3 (18§ 6301 §§ A1ii) - Confinement is Consecutive to

CP-64-CR-0000258-2016 - Seq. No. 2 (18§ 6312 §§ C) - Confinement

Link 3

CP-64-CR-0000258-2016 - Seq. No. 5 (18§ 3011 §§ B) - Confinement is Consecutive to

CP-64-CR-0000258-2016 - Seq. No. 3 (18§ 6301 §§ A1ii) - Confinement

COMMONWEALTH INFORMATION

Name: Wayne County District Attorney's
Office
District Attorney

Supreme Court No:

Phone Number(s):
570-253-4912 (Phone)

Address:
Wayne County Courthouse
925 Court Street
Honesdale, PA 18431

ATTORNEY INFORMATION

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	06/30/2016		Edwards, Ronald
Bail Set - Brown, Noel L.			
1	07/06/2016		Myers, Linus H.
Order Granting Motion for Modification of Bail - Brown, Noel L.			
1	07/20/2016		MDJ-22-3-04
Complaint Filed by DJ Edwards			
1	08/09/2016		Commonwealth of Pennsylvania
Information Filed			
1	08/10/2016		Brown, Noel L.
Request Notice			
2	08/10/2016		Brown, Noel L.
Motion to Dismiss			

IN THE COURT OF COMMON PLEAS
OF
SOMERSET COUNTY, PENNSYLVANIA

NOEL BROWN,)

Petitioner)

V.)

ERIC TICE)

Respondent)


PETITION FOR WRIT

OF HABEAS CORPUS

Index No. 549 - Civil 2021

The petition of Mr. NOEL BROWN, RESPECTFULLY SHOWS:

1. Petitioner is detained in SCI.SOMERSET. Somerset County, Commonwealth of Pennsylvania. by Eric Tice. the Warden thereof, The detention of said Petitioner is not detained by virtue of any mandate.
 - 2 The cause or pretense of the detention, according to the best knowledge of the petitioner is that A court or judge of the United States does not have exclusive jurisdiction to order petitioner released.
 3. The detention of the petitioner is believed illegal in that in consequence of the aforesaid, petitioner Mr. NOEL BROWN, is unlawfully restrained of his liberty in violation of the Fourth, Fifth, Sixth, Tenth, and Fourteenth Amendment to the Constitution of the United States, and of the Constitution of the Commonwealth of Pennsylvania.
 4. No previous application has been made by petitioner or on his behalf for a writ of habeas corpus because of the detention herein above described.
- WHEREFORE. this petitioner prays that a Writ of Habeas Corpus Issue directed to the Warden Eric Tice, SCI.SOMERSET. Somerset County Pennsylvania. Commanding him to bring and produce petitioner before this Court of Common Pleas for hearing and determination concerning the detention of said petitioner and to show why petitioner shall not be given his deliverance and why petitioner should not have such other and further relief as to the court may deem just and proper,

Respectfully Submitted. 

IN THE COURT OF COMMON PLEAS
OF
SOMERSET COUNTY, PENNSYLVANIA

NOEL BROWN.)	
Petitioner)	WRIT OF HABEAS CORPUS
V.)	Index No.
ERIC TICE,)	
Respondent)	


TO: Eric Tice. Warden of SCI. SOMERSET. Somerset County, Pennsylvania.

WE COMMAND YOU, that you have the body of Mr. NOEL BROWN, by you imprisoned and detained, as it is said, together with your return to this writ and the time and cause of such imprisonment and detention, by whatsoever NOEL Brown name shall be called or charged before Hon. D. Gregory Gearv. President Judge. on of the Justice of this Court, at Special Term. Part ... Court of Common Pleas. Somerset County, at the County Courthouse. at 111 East Union Street Somerset, PA 15501. Pennsylvania on the ... day of October 2021 at .. A.M. to do and receive what shall then and there be considered concerning petitioner and have you then there this writ.

WITNESS. Hon. D. Gregory Gearv. President Judge, one of the Justice of our said Court. the ... day of October, 2021.

By Clerk of Court

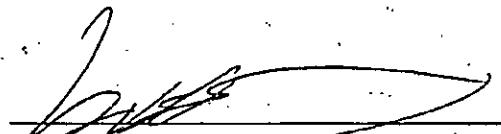
In pro se. NOEL BROWN MW0387
1600 WALTER MILL ROAD
SOMERSET PA 15510

 Pet.
09/27/2021

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF SOMERSET)s.s.:

NOEL BROWN, the above named petitioner, being duly sworn, says that the contents of the foregoing petition are well known to me; and that the same is true to my own knowledge, except as to the matters therein stated on information and belief, and to those matters I believe it to be true.


Petitioner

APPENDIX (F)

2021-50549 NOEL BROWN (vs) ERIC TICE

Reference No.:
Case Type..... MISCELLANEOUS - OTHER
Judgment..... .00
Judge Assigned:
Disposed Desc.:
----- Case Comments -----

Filed.....: 9/30/2021
Time.....: 11:06
Execution Date 0/00/0000
Jury Trial....
Disposed Date. 0/00/0000
Higher Crt 1.:
Higher Crt 2.:

General Index Attorney Info

BROWN NOEL PLAINTIFF
MW-0387 SCI-SOMERSET
1600 WALTERS MILL ROAD
SOMERSET PA 15510

TICE ERIC WARDEN DEFENDANT
C/O SCI-SOMERSET
1590 WALTERS MILL ROAD
SOMERSET PA 15510

* Date Entries *

----- FIRST ENTRY -----
9/30/2021 IN FORMA PAUPERIS AFFIDAVIT FILED BY NOEL BROWN. @ 11:06 PM (JC)
(10-4-21 SENT TO JUDGE GEARY)

10/19/2021 ORDER FILED WHEREIN UPON CONSIDERATION OF PETITIONER'S PETITION
FOR WRIT OF HABEAS CORPUS, IT IS ORDERED THAT THE PETITION IS
DENIED WITHOUT PREJUDICE. FILED @3:33PM (DJ)
(10/21/2021 (1) ONE CERTIFIED COPY MAILED TO: NOEL BROWN
MW-0387)

11/02/2021 AMENDMENT FILED BY NOEL BROWN. @ 10:21 AM (TLB)

11/18/2021 ORDER FILED - IT IS ORDERED THE PLAINTIFF'S PETITION TO PROCEED IN
FORMA PAUPERIS IS DENIED PURSUANT TO PA.R.CIV.P. 240(J). IT IS
FURTHER ORDERED THE ABOVE CIVIL ACTION IS DISMISSED WITH
PREJUDICE. FILED @3:34 PM (KRW)
(11/18/21 (1) ONE CERTIFIED COPY MAILED TO EACH: ERIC TICE, WARDEN
AND NOEL BROWN)

12/03/2021 PETITION FOR PRELIMINARY INJUNCTION FILED BY NOEL BROWN. @ 11:20
AM (JC)
(12-6-21 COPY SENT TO JUDGE GEARY)

12/08/2021 NOTICE OF APPEAL FILED BY NOEL BROWN WHEREIN PETITIONER
RESPECTFULLY FILE A NOTICE OF APPEAL FROM THE COURT OF COMMON
PLEAS SOMERSET COUNTY, TO THE SUPREME COURT OF PENNSYLVANIA
(12-8-21 ONE (1) CERT. COPY MAILED TO: SUPERIOR COURT OF PA.)

12/16/2021 APPEAL DOCKET SHEET FROM SUPERIOR COURT OF PENNSYLVANIA FILED WITH
THE FOLLOWING NUMBER NOTATION: 1472 WDA 2021. (JC)
----- LAST ENTRY -----

.00 .00 .00

* End of Case Information *
