

00-1324-CD
COMMONWEALTH OF PA, DEPT. OF -vs- RUSSELL PHILIP ROSS
TRANSPORTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

112 COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

CIVIL DIVISION

No. 00 - 1324 - CD

Vs.

89 RUSSELL PHILIP ROSS,
Petitioner

PETITION FOR APPEAL

Filed on Behalf of:

Petitioner, RUSSELL PHILIP
ROSS

Counsel of Record for This
Party:

JOHN R. RYAN, ESQUIRE
Pa. I.D. #38739

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
P. O. Box 131
Clearfield, PA 16830

814/765-1566

FILED

OCT 26 2000

William A. Shaw
Prothonotary

LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

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

PETITION FOR APPEAL

TO THE HONORABLE JUDGE OF THE SAID COURT:

1. Your Petitioner, Russell P. Ross, is an adult individual residing at 318 Ogden Avenue, Apartment B, Clearfield, Pennsylvania 16830.

2. On or about October 2, 2000, Petitioner received Notices from the Pennsylvania Department of Transportation notifying him that his right to apply for an operator's license was being denied due to information received from the states of New Jersey and Arizona. True and correct copies of the said notices are attached hereto, marked Exhibit "A" and made apart hereof.

3. The notices state that Petitioner will not be able to apply for an operator's license until sufficient proof of restoration is obtained from New Jersey and Arizona.

4. Petitioner has taken immediate steps to obtain evidence of restoration in both Arizona and New Jersey, however, it is believed and therefore averred that said evidence may not be

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submitted to the Department of Transportation by the effective date of the cancellation of Petitioner's operator's license, which is November 6, 2000.

5. Further, Petitioner had heretofore complied with the requirements of Arizona with respect to the restoration of his driving privileges, and has made arrangements with the School of Concerns in DuBois to provide Arizona with said proof.

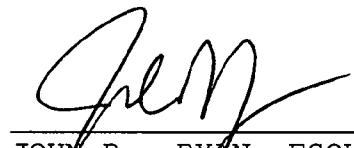
6. Petitioner further requests that the Court immediately schedule a hearing pursuant to Pa.C.S.A. Section 1550 (b) (ii) to grant a supersedeas until final determination of this appeal.

7. Petitioner depends upon his having a driver's license for his livelihood and would be severely prejudiced should his privileges be suspended under the above facts and circumstances.

WHEREFORE, Petitioner requests that the Court grant the following relief:

- a. The prompt scheduling of a supersedeas hearing pursuant to Section 1550 (b) (ii);
- b. The grant of his appeal.

Respectfully submitted,



JOHN R. RYAN, ESQUIRE
Attorney for Petitioner

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221 E. MARKET ST.
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COURTHOUSE)
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VERIFICATION

I verify that the statements made in this Petition for Appeal are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



RUSSELL PHILIP ROSS

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P. O. BOX 131
CLEARFIELD, PA

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
OCTOBER 02, 2000

RUSSELL PHILIP ROSS
318 OGDEN AVENUE
APT B
CLEARFIELD PA 16830

002696312513586 001
09/25/2000
17645018
11/23/1956

Dear Motorist:

Your right to apply for a driver's license or learner's permit is being denied due to information received from the State of NEW JERSEY indicating that your driving privileges are suspended. This denial is authorized by Section 1572 of the Vehicle Code. You will not be able to apply for a driver's license or learner's permit until sufficient proof of restoration is received from the State of NEW JERSEY.

In order to comply with this sanction you are required to return any current driver's license, learner's permit and/or temporary driver's license (camera card) in your possession no later than the effective date listed. If you cannot comply with the requirements stated above, you are required to submit a DL16LC Form or a sworn affidavit stating that you are aware of the sanction against your driving privilege. Failure to comply with this notice shall result in this Bureau referring this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Vehicle Code.

WHEN THE DEPARTMENT RECEIVES YOUR LICENSE OR ACKNOWLEDGEMENT, WE WILL SEND YOU A RECEIPT. IF YOU DO NOT RECEIVE THIS RECEIPT WITHIN 15 DAYS CONTACT THE DEPARTMENT IMMEDIATELY. OTHERWISE, YOU WILL NOT BE GIVEN CREDIT TOWARD SERVING THIS SANCTION.

The effective date of cancellation is 11/06/2000, 12:01 a.m.

The above mentioned sanction is in addition to any previously issued sanction(s).

Exhibit

"A"

002696112513586

You have the right to appeal the Department's action to the Court of Common Pleas (Civil Division) within 30 days of the mail date (OCTOBER 02, 2000) of this notice. You must still send in your license before the effective date of cancellation unless you appear in person before a Judge and receive an order permitting you to continue to drive.

AFTER THE APPEAL HAS BEEN FILED IN THE COUNTY COURT, A TIME-STAMPED CERTIFIED COPY OF THE APPEAL MUST BE SENT BY CERTIFIED MAIL TO:

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
OFFICE OF CHIEF COUNSEL
THIRD FLOOR, RIVERFRONT OFFICE CENTER
HARRISBURG, PA. 17104

Sincerely,

Rebecca L. Bickley

Rebecca L. Bickley, Director
Bureau of Driver Licensing

INFORMATION (7:00 AM to 9:00 PM)
IN STATE 1-800-932-4600
OUT-OF-STATE 717-391-6190
TDD IN STATE 1-800-228-0676
TDD OUT-OF-STATE 717-391-6191

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
OCTOBER 02, 2000

RUSSELL PHILIP ROSS
318 OGDEN AVENUE
APT B
CLEARFIELD PA 16830

002696112513598 001
09/25/2000
17645018
11/23/1956

Dear Motorist:

Your right to apply for a driver's license or learner's permit is being denied due to information received from the State of ARIZONA indicating that your driving privileges are suspended. This denial is authorized by Section 1572 of the Vehicle Code. You will not be able to apply for a driver's license or learner's permit until sufficient proof of restoration is received from the State of ARIZONA.

In order to comply with this sanction you are required to return any current driver's license, learner's permit and/or temporary driver's license (camera card) in your possession no later than the effective date listed. If you cannot comply with the requirements stated above, you are required to submit a DL16LC Form or a sworn affidavit stating that you are aware of the sanction against your driving privilege. Failure to comply with this notice shall result in this Bureau referring this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Vehicle Code.

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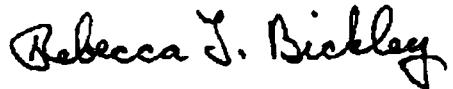
002696112513598

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Sincerely,



Rebecca L. Bickley, Director
Bureau of Driver Licensing

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
OCTOBER 02, 2000

RUSSELL PHILIP ROSS
318 OGDEN AVENUE
APT B
CLEARFIELD PA 16830

002696102942641 001
09/25/2000
17645018
11/23/1956

Dear Motorist:

Your right to apply for a driver's license or learner's permit is being denied due to information received from the State of NEW JERSEY indicating that your driving privileges are suspended. This denial is authorized by Section 1572 of the Vehicle Code. You will not be able to apply for a driver's license or learner's permit until sufficient proof of restoration is received from the State of NEW JERSEY.

In order to comply with this sanction you are required to return any current driver's license, learner's permit and/or temporary driver's license (camera card) in your possession no later than the effective date listed. If you cannot comply with the requirements stated above, you are required to submit a DL16LC Form or a sworn affidavit stating that you are aware of the sanction against your driving privilege. Failure to comply with this notice shall result in this Bureau referring this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Vehicle Code.

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002696102942641

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OFFICE OF CHIEF COUNSEL
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Sincerely,

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OUT-OF-STATE	717-391-6190
TDD IN STATE	1-800-228-0676
TDD OUT-OF-STATE	717-391-6191



Motor Vehicle

Services

Name: RUSSELL P ROSS

ADDRESS CHANGE ACKNOWLEDGEMENT FOR:

2000288002977

Driver License Number: R6726 68077 11562

INSTRUCTIONS: AN ADDRESS CHANGE WAS MADE FOR THE PERSON LISTED ABOVE. THE STICKERS SHOWING THIS CHANGE CANNOT BE USED FOR LICENSES ISSUED TO OTHER DRIVERS IN YOUR HOUSEHOLD. IF THEY HAVE NOT DONE SO ALREADY, THEY MUST REPORT THE ADDRESS CHANGE TO THE DIVISION.

PLEASE PEEL AND ATTACH ONE STICKER TO YOUR DRIVER LICENSE OR I.D. CARD OVER THE WORDS "AFFIX CORRECTION STICKER" OR "ATTACH HERE RECORD CHANGE ACKNOWLEDGEMENT." IF THESE WORDS DO NOT APPEAR, PLACE THE STICKER ON THE BACK OVER THE EXPLANATION CODES. THE REMAINING TWO STICKERS ARE FOR YOUR CONVENIENCE AND CAN BE ATTACHED TO THE REGISTRATIONS OF ANY VEHICLES REGISTERED IN YOUR NAME.
MVS is pleased to help you.

CD200028600001271

AUTO
RUSSELL P ROSS
318 OGDEN AVE APT B
CLEARFIELD PA 16830-2142

RUSSELL P ROSS CD2000286
318 OGDEN AVE APT B
CLEARFIELD PA 16830-2142

RUSSELL P ROSS CD2000286
318 OGDEN AVE APT B
CLEARFIELD PA 16830-2142

|||||

RUSSELL P ROSS CD2000286
318 OGDEN AVE APT B
CLEARFIELD PA 16830-2142

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

CIVIL DIVISION

No. 00 - CD

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

vs.

RUSSELL PHILIP ROSS,

Petitioner

PETITION FOR APPEAL

FILED

OCT 26 2000
R. A. Shaw
William A. Shaw
Prothonotary
P.D.
\$80.00

cc atty Ryan

COLAVECCHI & RYAN

ATTORNEYS AT LAW
221 E. MARKET STREET
(ACROSS FROM COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

CIVIL DIVISION

No. 00 - 1324 - CD

Vs.

RUSSELL PHILIP ROSS,
Petitioner

ORDER

Filed on Behalf of:

Petitioner, RUSSELL PHILIP ROSS

Counsel of Record for This Party:

JOHN R. RYAN, ESQUIRE
Pa. I.D. #38739

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
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814/765-1566

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221 E. MARKET ST.
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CLEARFIELD, PA

FILED

NOV 01 2000

William A. Shaw
Prothonotary

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

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, : No. 00 - - CD
Respondent:
:
Vs. :
:
RUSSELL PHILIP ROSS, :
Petitioner:

ORDER

AND NOW, this 1st day of ^{November} October 2000, upon consideration of the foregoing Petition for Appeal, and pursuant to Pa.C.S.A. Section 1550(b)(ii), the Petitioner is directed to appear and show cause why this Court should grant a supersedeas of the suspension of Petitioner's operating privileges pending this appeal.

Said Hearing to be held the 2nd day of November, 2000, at 1:30 P.M., Clearfield County Courthouse, Courtroom 1.

BY THE COURT:

JUDGE

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
CIVIL DIVISION

No. 00 - CD

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
vs.
Respondent

RUSSELL PHILIP ROSS, Petitioner

ORDER

FILED 3 CC
10/3/00 AM Ryan
NOV 01 2000

W/ file in A. Shaw
Prothonotary

COLAVECCHI & RYAN

ATTORNEYS AT LAW
221 E. MARKET STREET
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CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

CIVIL DIVISION

No. 00 - 1324 - CD

Vs.

RUSSELL PHILIP ROSS,
Petitioner

ORDER

Filed on Behalf of:

Petitioner, RUSSELL PHILIP
ROSS

Counsel of Record for This
Party:

JOHN R. RYAN, ESQUIRE
Pa. I.D. #38739

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
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814/765-1566

FILED

NOV 02 2000

William A. Shaw
Prothonotary

LAW OFFICES OF
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ORDER

AND NOW, this 2 day of November, 2000, the Petitioner having appeared before this Court pursuant to Pa. C.S.A. Section 1550(b)(ii), and the Court being satisfied that a supersedeas of the suspension of Petitioner's operating privileges is appropriate under the facts and circumstances of this case, it is ORDERED that a supersedeas be and is hereby granted, pending the hearing of the said Appeal on its merits.

BY THE COURT:

~~JOHN K. REILLY,
President Judge~~

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COLAVECCHI
RYAN & COLAVECCHI
221 E. MARKET ST.
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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
CIVIL DIVISION
No. 00 - 1324 - CD

COMMONWEALTH OF PENNSYLVANIA

V.S.

RUSSELL PHILIP ROSS

ORDER

REC'D NOV 02 2000
WYOMING 11:40 AM
WYOMING 11:40 AM
R. Colavecchi & Ryan
11/02/00

COLAVECCHI & RYAN

ATTORNEYS AT LAW
221 E. MARKET STREET
(ACROSS FROM COURTHOUSE)
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

CIVIL DIVISION

No. 00 - 1324 - CD

Vs.

RUSSELL PHILIP ROSS,
Petitioner

PRAECIPE TO WITHDRAW APPEAL

Filed on Behalf of:

Petitioner, RUSSELL PHILIP
ROSS

Counsel of Record for This
Party:

JOHN R. RYAN, ESQUIRE
Pa. I.D. #38739

COLAVECCHI RYAN & COLAVECCHI
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CLEARFIELD, PA

FILED

JUN 2 2001

William A. Shaw
Prothonotary

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

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, : No. 00 - 1324 - CD
Respondent:
:
Vs. :
:
RUSSELL PHILIP ROSS, :
Petitioner:

PRAECIPE TO WITHDRAW APPEAL

TO: WILLIAM SHAW, PROTHONOTARY

Please mark the above matter withdrawn and discontinued.



JOHN R. RYAN, ESQUIRE
Attorney for Petitioner

6/22/01

DATE

—Lap over margin—

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
CIVIL DIVISION
No. 00 - 1324 - CD

COMMONWEALTH OF PENNSYLVANIA,
Respondent

vs.

RUSSELL PHILIP ROSS,
Petitioner

PRAECIPE TO WITHDRAW APPEAL

FILED

JUN 23 2001

O 11:37 NO CC

William A. Shan

Prothonotary

cn

[Signature]

COLAVECCHI
RYAN & COLAVECCHI
ATTORNEYS AT LAW
221 EAST MARKET STREET
(ACROSS FROM COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA 16830