

00-1471-CD
COMMONWEALTH OF PA -vs- TINA DARLENE SZARR

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

COMMONWEALTH OF PA

Number 1471 of 2000-C.D.

v.

Type of Pleading: LICENSE
SUSPENSION APPEAL

TINA DARLENE STARR,
Defendant

Filed on behalf of: DEFENDANT

Counsel of Record for DEFENDANT:
Mark Andrew Wheeler
Pa. Sup. Ct. I.D. # 64335

512 Main St. / P.O. Box 176
Reynoldsville, PA 15851
(814) 653-2000
(814) 653-2200 FAX

FILED

NOV 2 1 2000

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

COMMONWEALTH OF PA

v.

Number 1471 of 2000-C.D.

TINA DARLENE STARR,
Defendant

ORDER FOR HEARING

AND NOW, this 14th day of December, 2000, the Defendant having filed a Petition appealing the Order of the Department of Transportation suspending the defendant's motor vehicle operating privileges,

IT IS HEREBY ORDERED pursuant to Section 1550 of the Vehicle Code (75 Pa.C.S.A. 1550) that the Court Administrator's Office shall schedule a hearing on the next available License Suspension Hearing Appeal date.

IT IS FURTHER ORDERED that the Defendant herein shall send a certified copy of this Order and of the Petition For Appeal by certified United States mail to Pennsylvania Department of Transportation, Office of Chief Counsel, Third Floor, Riverfront Office Center, Harrisburg, PA 17104-2516, ~~said Order and Petition to act as a supersedeas until further Order of Court~~

BY THE COURT:

Judge

FILED

DEC 15 2000

William A. Shaw
Prothonotary

FILED

DEC 15 2000
Op: 11/16/00 City
William A. Shaw
Prothonotary
Wheeler *ESB*

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

COMMONWEALTH OF PA

v.

Number _____ of 2000-C.D.

TINA DARLENE STARR,
Defendant

LICENSE SUSPENSION APPEAL

TO THE HONORABLE JUDGE JOHN REILLY, PRESIDENT JUDGE:

Defendant, Tina Darlene Starr, by and through her undersigned counsel, moves this Court to grant her a hearing upon the merits of the following License Suspension Appeal:

1. Defendant was sentenced on June 27, 2000, having entered guilty pleas to aggravated assault, assault by vehicle while driving under the influence, a felony of the second decree, homicide by vehicle, a misdemeanor of the first degree, driving under the influence, a misdemeanor of the second degree and summary offenses;
2. Defendant is currently incarcerated in the Clearfield County Jail and is on work release which is providing her with the opportunity to remain productive and generate income so that she can pay the costs of prosecution, supervision under the direction of the Clearfield County Department of Probation Services, Adult Division and fines related to her sentence;
3. Defendant has been notified by mail by the Commonwealth of Pennsylvania Department of Transportation Bureau of Driver Licensing on October 24, 2000 that her license was being suspended for a period of one year effective 5/28/2001 at 12:01 a.m., a copy of said notice attached as "Defendant's Exhibit One";

4. Defendant requests a hearing upon the validity of the imposition of this license suspension prior to her being paroled;

5. Taking away the Defendant's license at this time will make it impossible for her to continue on work release as she does not have any other way to get to work unless she drives herself;

6. The filing of this appeal should act as a supersedeas and restrict the Department of Transportation from suspending the Defendant's driver's license until final disposition of this appeal;

WHEREFORE, the Defendant would request that this court disallow the Department of Transportation to suspend the Defendant's license for the reasons herein suggested;

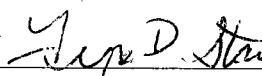
RESPECTFULLY SUBMITTED:



WHEELER LAW OFFICES

DEFENDANT'S VERIFICATION

I verify that the statements in this LICENSE SUSPENSION APPEAL are true and correct. I understand that a false statements herein re made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.



DEFENDANT

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

COMMONWEALTH OF PA

v.

Number _____ of 2000-C.D.

TINA DARLENE STARR,
Defendant

CERTIFICATE OF SERVICE

I, Mark Andrew Wheeler, Esquire, attorney for the Defendant, hereby certify that I have caused to be served on the Department of Transportation a true and correct copy of the foregoing License Suspension Appeal by CERTIFIED first class mail at the address indicated below:

Pennsylvania Department of Transportation
Office of Chief Counsel
Third Floor
Riverfront Office Center
Harrisburg, PA 17104-2516



Mark Andrew Wheeler, Esq.

Wheeler Law Offices
512 Main St./P.O. Box 176
Reynoldsville, PA 15851
(814) 653-2000

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: OCTOBER 24, 2000

TINA DARLENE STARR
RR 3 BOX 307
PUNXSUTAWNEY PA 15767

WID # 002916117216972 001
PROCESSING DATE 10/17/2000
DRIVER LICENSE # 23089129
DATE OF BIRTH 04/02/1972

Dear MS. STARR:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 1532A of the Pennsylvania Vehicle Code. As a result of your 06/27/2000 conviction of violating Section 3732 of the Vehicle Code HOMICIDE BY VEHICLE on 12/29/1998:

- Your driving privilege is SUSPENDED for a period of 1 YEAR(S) effective 05/28/2001 at 12:01 a.m.

This suspension is in addition to any other suspensions already on your record.

COMPLYING WITH THIS SUSPENSION

You must return all current Pennsylvania driver's licenses, learner's permits, temporary driver's licenses (camera cards) in your possession on or before 11/28/2000. You may surrender these items before, 11/28/2000, for earlier credit; however, you may not drive after these items are surrendered.

YOU MAY NOT RETAIN YOUR DRIVER'S LICENSE FOR IDENTIFICATION PURPOSES. However, you may apply for and obtain a photo identification card at any Driver License Center for a cost of 9.00. You must present two (2) forms of proper identification (e.g., birth certificate, valid U.S. passport, marriage certificate, etc.) in order to obtain your photo identification card.

You will not receive credit toward serving any suspension until we receive your license(s). Complete the following steps to acknowledge this suspension.

1. Return all current Pennsylvania driver's licenses, learner's permits and/or camera cards to PennDOT. If you do not have any of these items, send a sworn notarized letter stating you are aware of the suspension of your driving privilege. You must specify in your letter

why you are unable to return your driver's license. Remember: You may not retain your driver's license for identification purposes. Please send these items to:

Pennsylvania Department of Transportation
Bureau of Driver Licensing
P.O. Box 68693

Harrisburg, PA 17106-8693

2. Upon receipt, review and acceptance of your Pennsylvania driver's license(s), learner's permit(s), and/or a sworn notarized letter, PennDOT will send you a receipt confirming the date that credit began. If you do not receive a receipt from us within 3 weeks, please contact our office. Otherwise, you will not be given credit toward serving this suspension. PennDOT phone numbers are listed at the end of this letter.
3. If you do not return all current driver license products, we must refer this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Pennsylvania Vehicle Code.

PROVIDING PROOF OF INSURANCE

Within the last 30 days of your suspension, we will send you a letter asking that you provide proof of insurance at that time. This letter will list acceptable documents and what will be needed if you do not own a vehicle registered in Pennsylvania.

Important: Please make sure that PennDOT is notified if you move from your current address. You may notify PennDOT of your address change by calling any of the phone numbers listed at the end of this letter.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, OCTOBER 24, 2000, of this letter. If you file an appeal in the County Court, the Court will give you a time-stamped certified copy of the appeal. In order for your appeal to be valid, you must send this time-stamped certified copy of the appeal by certified mail to:

Pennsylvania Department of Transportation
Office of Chief Counsel
Third Floor, Riverfront Office Center
Harrisburg, PA 17104-2516

002916117216972

Remember, this is an OFFICIAL NOTICE OF SUSPENSION. You must return all current Pennsylvania driver license products to PennDOT by 11/28/2000.

Sincerely,

Rebecca L. Bickley

Rebecca L. Bickley, Director
Bureau of Driver Licensing

SEND FEE/LICENSE/DL-16LC/TO:
Department of Transportation
Bureau of Driver Licensing
P.O. Box 68693
Harrisburg, PA 17106-8693

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

FILED
NOV 8 1977
SAC
William A. Shaw
Prothonotary
Fees pd. \$0.00

1cc ca
1cc Atty w/out
Order
1cc Atty w/out
Order

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

COMMONWEALTH OF PENNSYLVANIA : :

VS : NO. 00-1471 & 00-1472-CD
TINA DARLENE STAR : :

O R D E R

NOW, this 26th day of June, 2001, the Court hereby
GRANTS the Appellant's Request to Withdraw her appeal and
SUSTAINS the action of the Department of Transportation.

BY THE COURT,

President Judge

FILED

Jun 26 2001

William A. Shaw
Prothonotary

FILED

01/25/2001
William A. Shaw
Prothonotary
1cc *City Kuhn*
WES