

UL-300-44
DANIEL A. ADAMS "vs" COMMONWEALTH OF PENNSYLVANIA, DEPT. OF
TRANSPORTATION

COMMONWEALTH
v.
DANIEL ADAMS

IN THE COURT OF COMMON PLEAS
OF THE 41ST JUDICIAL DISTRICT
OF PENNSYLVANIA -
PERRY COUNTY BRANCH
NO. 85 of 2001

ORDER

AND NOW, April 1, 2003, upon agreement,

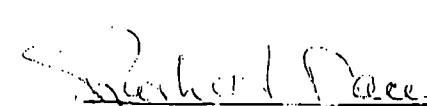
IT IS HEREBY ORDERED AND DIRECTED that the summary offense of Commercial Vehicle Without a License is dismissed upon the defendant being responsible for the court costs at the district justice level and at the common pleas level and the fine of \$500 shall be reimbursed to the defendant. The \$500 fine shall be transferred from the district justice to the Prothonotary of Perry County, who shall deduct any costs and transmit a net check to the defendant.

BY THE COURT:


C. JOSEPH REHKAMP, JUDGE

cc: DA's Office
Probation
Defendant
Hogan, PSP
District Justice
File

CERTIFIED A TRUE COPY


DEPUTY CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL DIVISION

DANIEL A. ADAMS,
Petitioner

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

)
NO. 01-360-CD
)

)
)
)

TYPE OF PLEADING:
Petition for Review of
Order of Department of
Transportation Suspending
Operating Privilege

FILED ON BEHALF OF:
Daniel A. Adams

COUNSEL OF RECORD
FOR THIS PARTY:

Daniel A. Adams, Esquire
Pa. I.D. #55823

P.O. Box 295
DuBois, PA 15801

FILED

MAR 12 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

DANIEL A. ADAMS,
Petitioner

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
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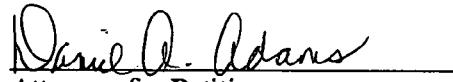
2001
NO. _____

**Petition for Review of Order of Department of
Transportation Suspending Operating Privilege**

Petitioner Daniel A. Adams, respectfully petitions the Court pursuant to 75 Pa. Cons. Stat. Ann. Subsection 1550 for review of an order of the Department of Transportation suspending petitioner's commercial operating privilege, and in support thereof represents as follows:

1. Petitioner Daniel A. Adams is an adult individual residing at P.O. Box 31, Maple Street, Lanse, Pennsylvania.
2. Petitioner currently possesses a valid driver's license issued to him in 1970, which has not heretofore been suspended, cancelled, or revoked. Petitioner was issued a class C driving license which was converted to a Class A license on 1/30/01.
3. By letter dated 2/8/2001, petitioner was notified in writing the Department of Transportation of the entry of an order suspending his privilege to drive a commercial motor vehicle for a period of six (6) months as mandated by Section 1611F for the Vehicle Code beginning 3/15/01. A true and correct copy of the Notice is attached as Exhibit "A".
4. The suspension is improper and unlawful for the following reasons: An appeal of the District Justice's decision was timely filed with the Court of Common Pleas of Perry County, Pennsylvania, as the Petitioner was not driving a Commercial Motor Vehicle.
5. Petitioner hereby invokes his statutory Right of Appeal under Subsection 1550 of the Motor Vehicle Code.

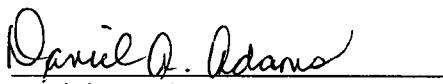
WHEREFORE, petitioner respectfully requests that the Court set this matter down forthwith for de novo hearing pursuant to 75 Pa. Cons. Stat. Ann. Subsection 1550 and that the order of the Department of Transportation be set aside.



Attorney for Petitioner
Daniel A. Adams, Esquire
P.O. Box 295
DuBois, PA 15801

VERIFICATION

Daniel A. Adams deposes and says subject to the penalties of 18 Pa. C.S.A. Subsection 4904 relating to unsworn falsification to authorities that the facts set forth in the foregoing Petition for Review of Order of Department of Transportation Suspending Operating Privilege are true and correct to his information and belief.



Daniel A. Adams

ATTACHMENT "A"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
FEBRUARY 08, 2001

DANIEL A ADAMS 010329283323766 001
MAPLE ST 02/01/2001
P O BOX 31 16475557
LANSE PA 16849 06/11/1954

Dear Motorist:

As a result of your conviction on 01/30/2001 of violating Section 1606A of the Vehicle Code, DRIVING CMV WITHOUT CDL on 11/03/2000, your privilege to drive a commercial motor vehicle is being disqualified for a period of 6 MONTH(S) as mandated by Section 1611F of the Vehicle Code.

The effective date of disqualification is 03/15/2001, 12:01 a.m.

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.

Although the law mandates that your driving privilege is under suspension even if you do not surrender your license, Credit will not begin until all current driver's license product(s), the DL16LC Form, or a letter acknowledging your sanction is received in this Bureau.

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.

010329283323766

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 8:00 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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

DANIEL A. ADAMS,
Petitioner

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

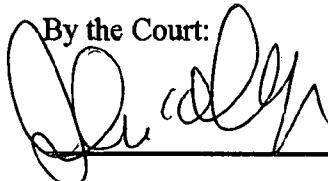
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NO. 01-366-CO

Order for Hearing – Suspension of Operating Privilege

And now, this 30 day of March, 2001, upon consideration of the petition of Daniel A. Adams for review of an order of the Department of Transportation suspending petitioner's commercial operating privilege, a hearing de novo is granted to determine whether the action of the Department of Transportation in suspending petitioner's commercial operating privilege should be set aside. A hearing de novo of defendant's appeal is to be scheduled by the Court Administrator's Office on the matter for the next available license suspension appeal hearing date. All proceedings are to stay, pending final determination by the Court.

The Prothonotary is directed forthwith to notify the Department of Transportation of the appeal and the hearing date.

By the Court:

J.

FILED

MAR 30 2001

William A. Shaw
Prothonotary

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL DIVISION

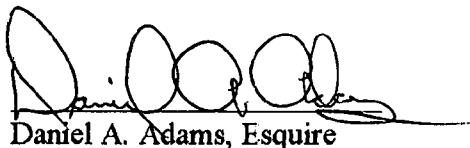
DANIEL A. ADAMS,)
Petitioner)
)
v.) No. 01-366-CD
)
COMMONWEALTH OF PENNSYLVANIA,)
DEPARTMENT OF TRANSPORTATION,)
Respondent)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Petition for Review of Order of Department of Transportation Suspending Operating Privilege and Order for Hearing – Suspension of Operating Privilege was served by Certified Mail, Return Receipt Requested, upon:

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

the 5th day of April, 2001.



Daniel A. Adams, Esquire

FILED

APR 05 2001

William A. Shaw
Prothonotary

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

COMMONWEALTH OF PENNSYLVANIA : .

VS : NO. 01-366-CD
DANIEL A. ADAMS : .

O R D E R

NOW, this 26th day of June, 2001, the Court hereby
GRANTS the motion for continuance and does hereby CONTINUE
hearing in this appeal from license suspension pending
determination on the merits of Appellant's appeal before the
Court of Common Pleas of Perry County, Pennsylvania, on the
underlying conviction and direct Mr. Adams to immediately
notify both the Department of Transportation and this Court
upon the Court of Common Pleas of Perry County's ruling on his
appeal from summary conviction in that jurisdiction at which
time further proceedings in this matter will be scheduled.

BY THE COURT,
President Judge

FILED

JUN 26 2001

William A. Shaw
Prothonotary

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Prothonotary

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William A. Shaw
Prothonotary

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

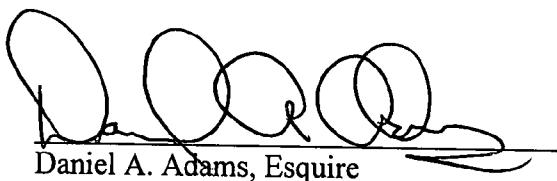
COMMONWEALTH OF PENNSYLVANIA :
VS : NO. 01-366-CD
DANIEL A. ADAMS :
:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
Order Dismissing the Charge of Operating a Commercial Vehicle Without a License was
served upon:

William A. Kuhar, Jr., Esquire
Assistant Counsel
Office of Chief Counsel
Pennsylvania Department of Transportation
1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

via facsimile and First Class Mail the 8th day of December, 2003.



Daniel A. Adams, Esquire

FILED

DEC 08 2003

William A. Shaw
Prothonotary

COMMONWEALTH

v.

DANIEL ADAMS

:IN THE COURT OF COMMON PLEAS
:OF THE 41ST JUDICIAL DISTRICT
:OF PENNSYLVANIA -
:PERRY COUNTY BRANCH
:NO. 85 of 2001

O R D E R

AND NOW, April 1, 2003, upon agreement,

IT IS HEREBY ORDERED AND DIRECTED that the summary offense of Commercial Vehicle Without a License is dismissed upon the defendant being responsible for the court costs at the district justice level and at the common pleas level and the fine of \$500 shall be reimbursed to the defendant. The \$500 fine shall be transferred from the district justice to the Prothonotary of Perry County, who shall deduct any costs and transmit a net check to the defendant.

BY THE COURT:


C. JOSEPH REHKAMP, JUDGE

cc: DA's Office
Probation
Defendant
Hogan, PSP
District Justice
File

ADMITTED TO RECORD
APR -1 P 3:08

PROTHONOTARY'S OFFICE
PERRY COUNTY

CERTIFIED A TRUE COPY


Deborah Pace
DEPUTY CLERK OF COURTS

FILED

DEC 08 2003

ESL

William A. Shaw
Prothonotary

U.S. DISTRICT COURT

DOCKET NO. 03-100

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

COMMONWEALTH OF PENNSYLVANIA : :

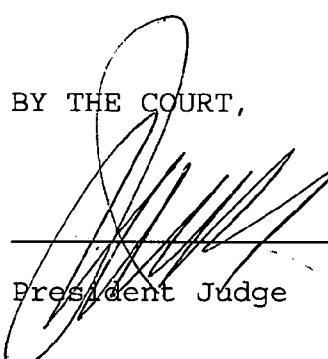
VS. : NO. 01-366-CD

DANIEL A. ADAMS : License Suspension Appeal

O R D E R

NOW, this 10th day of December, 2003, this being the day and date set for hearing into the above-captioned Appeal from License Suspension; following agreement thereof, it is the ORDER of this Court that said Appeal be and is hereby remanded to the Department for the purpose of rescinding the Appeal and deleting the reported conviction from November 3, 2000, from Appellant's driving record, pending which the supersedeas shall remain in effect.

BY THE COURT,


President Judge

FILED

JAN 02 2004

William A. Shaw
Prothonotary

FILED

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2nd Dist. Ct. of Appeals, PO 1201 81
JAN 02 2004

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William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA : :

VS. : NO. 01-366-CD

DANIEL A. ADAMS : License Suspension Appeal

O R D E R

NOW, this 10th day of December, 2003, this being the day and date set for hearing into the above-captioned Appeal from License Suspension; following agreement thereof, it is the ORDER of this Court that said Appeal be and is hereby remanded to the Department for the purpose of rescinding the Appeal and deleting the reported conviction from November 3, 2000, from Appellant's driving record, pending which the supersedeas shall remain in effect.

BY THE COURT,

/s/ JOHN K. REILLY, Jr.

President Judge

FILED

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

JAN 02 2004

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

William A. Shaw
Prothonotary