

01-702-CD
DENNIS CHAIR LAMOREAU -vs- COMMONWEALTH OF PA., DEPT. OF
TRANSPORTATION

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No. 01-
CD

Dennis Clair Lamoreau,
Petitioner

vs.

Commonwealth of Pennsylvania,
Department of Transportation,
Respondent

Petition for Review

Sobel, Collins & Knarashoro

ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552

FILED

MAY 22 2001
013:55 AM
William A. Shaw
Prothonotary

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CFCR TO ATTY

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

DENNIS CLAIR LAMOREAU,
Petitioner

Vs. : NO. 01-782-CD

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, :
Respondent

: **PETITION FOR REVIEW**

: Filed on behalf of:
Petitioner

: Counsel for this party:
Ronald L. Collins, Esquire

: Supreme Court No. 36744

: Sobel, Collins & Knaresboro
Attorneys at Law
218 South Second Street
Clearfield, PA 16830

: (814)765-5552
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FILED

MAY 22 2001

William A. Shaw
Prothonotary

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

DENNIS CLAIR LAMOREAU,
Petitioner

Vs. : NO. 01- - CD

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION, :
Respondent

I have a
copy of
this

PETITION FOR REVIEW

AND NOW comes Petitioner, Dennis Clair Lamoreau, by and through Sobel, Collins & Knaresboro who petitions your Honorable Court as follows:

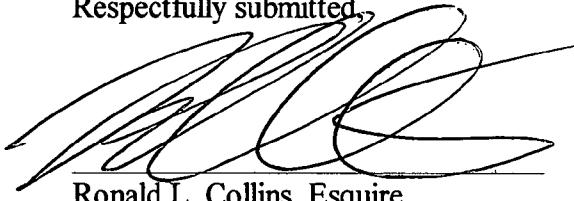
1. That Petitioner is Dennis Clair Lamoreau, driver license number 18478334, date of birth 03-14-1948, of RD #1 Box 511, Olanta, Pennsylvania, 16863.
2. That Respondent is the Commonwealth of Pennsylvania, Department of Transportation.
3. That by official notice dated April 23, 2001, Respondent suspended the driving privileges of Petitioner for a period of one (1) year as the result of an alleged violation in New Jersey on January 7, 2001 that was allegedly similar to violating Section 3731 of the Pennsylvania Vehicle Code. A copy of the official notice is hereinafter attached as Exhibit "A".
4. That Petitioner is not subject to suspension by Respondent for the following reasons:
 - A. Petitioner does not have a conviction which is reportable under or subject to the Driver's License Compact, 75 Pa. C.S.A. § 1581 et seq.;
 - B. That attached hereto as Exhibit "B" is a copy of a Court Order in reference to Petitioner's alleged violation in New Jersey specifically prohibiting the use of those proceeding against him in any subsequent civil procedure;

C. The alleged offense in New Jersey is not substantially similar to the laws of Pennsylvania regarding Driving Under the Influence in that Petitioner was denied the right to a trial by jury that he would have enjoyed in Pennsylvania, whereby the use of the proceeding in New Jersey by the licensing authority in Pennsylvania would effectively deny Petitioner his right under the Constitution of Pennsylvania to a trial by jury; and

D. Petitioners alleged offense in New Jersey is otherwise not substantially similar in nature to the laws of Pennsylvania regarding Driving Under the Influence.

WHEREFORE, Petitioner respectfully moves your Honorable Court to review the actions of Respondent Department of Transportation in suspending the operating privileges of Petitioner and to reverse the same.

Respectfully submitted,



Ronald L. Collins, Esquire

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: APRIL 23, 2001

DENNIS CLAIR LAMOREAU
RD#1 BOX 511
QUANTA PA 16863

WID # 011066102066224 001
PROCESSING DATE 04/16/2001
DRIVER LICENSE # 18478334
DATE OF BIRTH 03/14/1948

Dear MR. LAMOREAU:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 1532B of the Pennsylvania Vehicle Code. As a result of your 03/08/2001 conviction in NEW JERSEY:

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

Your driving record reflects a violation on 01/07/2001 that is similar to violating Section 3731 of the Pennsylvania Vehicle Code, DRIVING UNDER INFLUENCE.

Your conviction in NEW JERSEY is listed in Article IV of Section 1581 of the Pennsylvania Vehicle Code which mandates that PennDOT process specific out-of-state convictions as though they had occurred in Pennsylvania.

As a result of your conviction for driving under the influence, you are required by law to have all vehicle(s) owned by you equipped with an approved ignition interlock system before your driving privilege can be restored. If you fail to comply with this requirement, your driving privilege will remain suspended for an additional year. You will receive more information regarding this requirement approximately 30 days before your eligibility date.

WARNING: If you are convicted for driving while your license is suspended, the penalties will be: a MINIMUM of 90 days imprisonment AND a 1,000 fine AND your license will be suspended for 1 year.

Before PennDOT can restore your driving privilege, you must follow the instructions in this letter for COMPLYING WITH THIS SUSPENSION, PAYING THE RESTORATION FEE and PROVIDING

EXHIBIT

" A "

011066102066224

State Police for prosecution under SECTION 1571(a)(4)
of the Pennsylvania Vehicle Code.

PAVTING THE RESTORATION FEE

You must pay a restoration fee to PennDOT to be restored
from a suspension/revocation of your driving privilege. To
pay your restoration fee, complete the following steps:

1. Return the enclosed Application for Restoration. The
amount due is listed on the application.
2. Write your driver's license number (listed on the first
page) on the check or money order to ensure proper
credit.
3. Follow the payment and mailing instructions on the back
of the application.

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, APRIL 23, 2001, 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

Remember, this is an OFFICIAL NOTICE OF SUSPENSION. You
must return all current Pennsylvania driver license products
to PennDOT by 05/28/2001.

PROOF OF INSURANCE. You should follow ALL instructions very carefully. Even if you have served all the time on the suspension/revocation, we cannot restore your driving privilege until all the requirements are satisfied.

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 05/28/2001. You may surrender these items before, 05/28/2001, 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

HELMER, KASSEL & STOWELL, P.A.
111 White Horse Pike
Haddon Heights, New Jersey 08035
(609) 547-7888
Attorney for Defendant

STATE OF NEW JERSEY

Plaintiff,

vs.

DENNIS CLAIR LAMOREAU

Defendant.

MUNICIPAL COURT OF Evesham Township
BURLINGTON COUNTY

COMPLAINT: A085605, 085606, 085607,
085608

ORDER

THIS MATTER having been brought before the Court by Helmer, Kassel & Stowell, P.A.,
attorneys for the Defendant, Dennis Clair Lamoreau, and Nicholas Costa, Municipal Prosecutor
for Evesham Township, appearing on behalf of the State, and consenting thereto, and for good
cause shown;

IT IS ON THIS 1 day of July, 2001

ORDERED as follows:

1. The pleas entered by the Defendant, any statements made by the Defendant in these proceedings, and/or the conviction cannot be used in any civil proceeding.
2. No transcript of said proceeding shall be released ~~without order of the court and without notice to the Defendant and his attorneys for an opportunity to be heard on any such application to prevent use of the plea and/or the statements in any civil proceeding in this state or any other state.~~
3. The pleas entered by the Defendant have been entered as a result of Defendant's request for a jury trial being denied, and Defendant's request for extrapolation of evidence being denied. ~~In addition, the Defendant has been denied any diversionary program for first time offenders.~~

HELMER KASSEL
& STOWELL, P.A.
111 WHITE HORSE PIKE
HADDON HEIGHTS
NEW JERSEY 08035

(609) 547-7888

EXHIBIT

" B "

ROGER MAIN, J.M.C.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA : :

VS. : NO. 01-782-CD

DENNIS CLAIR LAMOREAU : 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 argument and upon consideration thereof, it is the ORDER of this Court that said appeal be and is hereby dismissed and the license suspension affirmed.

BY THE COURT,

President Judge

FILED

JAN 02 2004

William A. Shaw
Prothonotary

FILED
D 11:36 AM 2/2/04
cc to defendant
cc attorney
JAN 02 2004
EJD

William A. Shaw
Prothonotary