

01-833-CD
LAWRENCE D. NICKLAS -vs- COMMONWEALTH OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LAWRENCE D. NICKLAS
Appellant

vs.

File No. 2001-833-CD

Commonwealth of Pennsylvania
Department of Transportation
Appellee

PETITION FOR APPEAL FROM A SUSPENSION OF OPERATING PRIVILEGE/
DENIAL OF DRIVER'S LICENSE/SUSPENSION OF MOTOR VEHICLE REGISTRATION

1. Appellant herein is Lawrence Dean Nicklas
residing at and having a mailing address of: R.R.#1, Box 40-A; Woodland, PA 16881

2. Appellee herein is the Department of Transportation of the Commonwealth
of Pennsylvania, having a mailing address of:

x Department of Transportation, Bureau of Driver Licensing,
Harrisburg, Pennsylvania 17123.

 Department of Transportation, Bureau of Motor Vehicles,
Harrisburg, Pennsylvania 17123.

3. By letter or notice dated May 3, 2001, a copy of which
is attached hereto as Exhibit A, the Department of Transportation

x ordered Appellant to surrender his / her operating license / motor
vehicle registration for a period of 24 months from 10/06/2003.

 denied the issuance / renewal of a driver's license.

FILED

MAY 31 2001

William A. Shaw ^{PP} ₈₆
Prothonotary
CERT TO APPRAISER
COPY TO CIA

4. Supersedeas:

Pursuant to 75 Pa.C.S.A. § 1550(b)(1)(i), Appellant is retaining driver's license until final determination of the suspension of operating privilege.

Pursuant to 75 Pa.C.S.A. § 1550(b)(1)(ii), a hearing attended by the Appellant must be held before the Court of Common Pleas before an order of supersedeas can be issued.

Pursuant to 75 Pa.C.S.A. § 1377(a), Appellant is retaining motor vehicle registration until final determination of the suspension of registration.

5. The said suspension of Appellant's operating privileges / registration is improper or unlawful for the following reasons:

Operating privileges have already been suspended by four (4) letters, all dated 3/6/01, for a period of three (3) years from 10/6/00 as a result of an adjudication of delinquency on 10/6/00 of various violation of the Vehicle Code. Copies of these letters are attached hereto as Exhibits "B", "C", "D", and "E". The letter of 5/3/01 states that the new 24 month suspension is ". . . by order of the Court of Clearfield County . . .", without stating any violations of the Vehicle Code. A copy of this Order is attached as Exhibit "F". This suspension is already included in the four (4) prior suspensions.

Appellant respectfully requests that this matter be set down for a hearing and that the order of suspension / order of denial be set aside.

Respectfully submitted by,



Appellant

Lawrence Dean Nicklas
RRI Box 40A
WOODLAND PA 16881
814/857-7868

I verify that the statements made in this Petition 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.

Date: May 31, 2001

Jeanne Dean Mills
Appellant

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
MAY 03, 2001

LAWRENCE DEAN NICKLAS
ROUTE 322
RR 1 BOX 40 A
WOODLAND PA 16881

011166112763915 001
04/26/2001
26369482
03/08/1983

LICENSE IN BUREAU

Dear Motorist:

Your driving privileges are being SUSPENDED by order of the Court of CLEARFIELD CTY for 24 MONTH(S).

The effective date of suspension is 10/06/2003, 12:01 a.m.

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

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, MAY 03, 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

Sincerely,

Rebecca L. Bickley

Rebecca L. Bickley, Director
Bureau of Driver Licensing

"EXHIBIT A"

011166112763915

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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
MARCH 06, 2001

LAWRENCE DEAN NICKLAS	010586101495967 001
ROUTE 322	02/27/2001
RR 1 BOX 40 A	26369482
WOODLAND PA 16881	03/08/1983

LICENSE IN BUREAU

Dear Motorist:

As a result of your adjudication of delinquency on 10/06/2000 of violating Section 3736 of the Vehicle Code, RECKLESS DRIVING on 09/26/2000, your driving privilege is being SUSPENDED for a period of 6 MONTH(S) as mandated by Section 1532B of the Vehicle Code.

The effective date of suspension is 10/06/2000, 12:01 a.m.

Please see the enclosed application for restoration fee information.

You will be notified of any outstanding restoration requirements approximately 30 days before the eligibility date of the restoration of your driving privilege. You must follow those instructions very carefully in order to have your driving privilege restored.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, MARCH 06, 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

"EXHIBIT B"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
MARCH 06, 2001

LAWRENCE DEAN NICKLAS 010586101496065 001
ROUTE 322 02/27/2001
RR 1 BOX 40 A 26369482
WOODLAND PA 16881 03/08/1983

LICENSE IN BUREAU

Dear Motorist:

As a result of your adjudication of delinquency on 10/06/2000 of violating Section 3743 of the Vehicle Code, LEAVING SCENE OF ACCIDENT on 09/26/2000, your driving privilege is being SUSPENDED for a period of 6 MONTH(S) as mandated by Section 1532B of the Vehicle Code.

The effective date of suspension is 04/06/2001, 12:01 a.m.

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

You will be notified of any outstanding restoration requirements approximately 30 days before the eligibility date of the restoration of your driving privilege. You must follow those instructions very carefully in order to have your driving privilege restored.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, MARCH 06, 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:

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

"EXHIBIT C"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
MARCH 06, 2001

LAWRENCE DEAN NICKLAS
ROUTE 322
RR 1 BOX 40 A
WOODLAND PA 16881

010586101496077 001
02/27/2001
26369482
03/08/1983

LICENSE IN BUREAU

Dear Motorist:

As a result of your adjudication of delinquency on 10/06/2000 of violating Section 3733 of the Vehicle Code, FLEEING POLICE OFFICER on 09/26/2000, your driving privilege is being SUSPENDED for a period of 1 YEAR(S) as mandated by Section 1532B of the Vehicle Code.

The effective date of suspension is 10/06/2001, 12:01 a.m.

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

You will be notified of any outstanding restoration requirements approximately 30 days before the eligibility date of the restoration of your driving privilege. You must follow those instructions very carefully in order to have your driving privilege restored.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, MARCH 06, 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:

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

"EXHIBIT D"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
MARCH 06, 2001

LAWRENCE DEAN NICKLAS 010586101496089 001
ROUTE 322 02/27/2001
RR 1 BOX 40 A 26369482
WOODLAND PA 16881 03/08/1983

LICENSE IN BUREAU

Dear Motorist:

As a result of your adjudication of delinquency on 10/06/2000 of violating Section 3921A of the Vehicle Code, THEFT BY UNLAWFUL TAKING on 09/26/2000, your driving privilege is being SUSPENDED for a period of 1 YEAR(S) as mandated by Section 1532A of the Vehicle Code.

The effective date of suspension is 10/06/2002, 12:01 a.m.

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

You will be notified of any outstanding restoration requirements approximately 30 days before the eligibility date of the restoration of your driving privilege. You must follow those instructions very carefully in order to have your driving privilege restored.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, MARCH 06, 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:

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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
COMMONWEALTH OF PENNSYLVANIA :
VS : NO. 01-833-CD
LAWRENCE D. NICKLAS :
:

O R D E R

NOW, this 23rd day of December, 2003, this being the day and date set for hearing in the above-captioned appeal from license suspension, it is the Order of this Court that said appeal be SUSTAINED and the suspension VACATED.

BY THE COURT
President Judge

FILED

DEC 23 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

01/11/04
DEC 23 2003

William A. Shaw
Prothonotary/Clerk of Courts

2cc Atty Kubas

1cc Def. RR 1, Box 40-A

Woodland, PA 16881