

01-1031-CD

SHANNON T. MICHAEL -vs- COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

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

SHANNON T. MICHAEL,
Petitioner

NO. 01-1031-CO

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

Type of Case: Appeal from
Driver's License Suspension
Type of Pleading: Petition

Filed on behalf of: Petitioner

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

FILED

JUN 28 2001

William A. Shaw
Prothonotary

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

SHANNON T. MICHAEL, :
Petitioner :
: :
vs. : NO. _____ C.D.
: :
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
Respondent :
:

PETITION FOR REVIEW OF ORDER OF DEPARTMENT OF
TRANSPORTATION SUSPENDING OPERATING PRIVILEGE

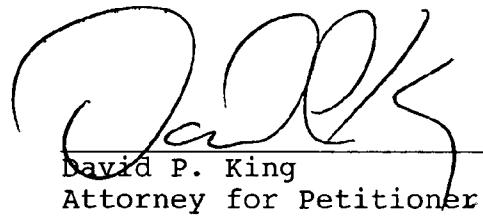
AND NOW, comes your Petitioner, SHANNON T. MICHAEL, through his Attorney, David P. King, and in support of his Petition pursuant to 75 Pa. Cons. Stat. §1550 for Review of an Order of the Department of Transportation Suspending Petitioner's Operating Privilege, and in support thereof represents as follows:

1. Petitioner, SHANNON T. MICHAEL, is an adult individual residing at 315 West Weber Avenue, DuBois, PA 15801.
2. Petitioner currently possesses a valid Driver's License issued to him by the Pennsylvania Department of Transportation, License Number 20838848.
3. By letter bearing Processing Date of May 25, 2001, and indicating a Mail Date of June 1, 2001, Petitioner was notified in writing by the Department of Transportation of a suspension of his Driver's License and privileges for a violation of Section 1547 of the Vehicle Code, Chemical Test Refusal, on January 25, 2001. Copy attached hereto as Exhibit "A" Pages 1 through 3.

4. The suspension as referred to herein is improper, and unlawful in that your Petitioner did not refuse to take or submit to a chemical or a breath test, for the reason being that he was mentally and/or medically incapable of the following:

- (a) Understanding the request that he submit to such testing;
- (b) Understanding the ramifications of not taking such test;
- (c) Understanding his alternatives; and
- (d) Thus, the Petitioner's temporary inability to make a decision regarding the above and to understand all that was said to him at the time did not constitute a refusal.

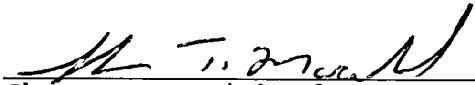
WHEREFORE, Petitioner respectfully requests that the Court set this matter down forthwith for a de novo hearing pursuant to 75 Pa. Cons. Stat. §1550, and that the Order of the Department of Transportation be set aside.



David P. King
Attorney for Petitioner

I verify that the statements made in this Petition for Review of Order of Department of Transportation Suspending Operating Privilege 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: June 26, 2001



Shannon T. Michael
Petitioner

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: JUNE 01, 2001

SHANNON T MICHAEL
315 W WEBER AVE
DU BOIS PA 15801

WID # 011456117384131 001
PROCESSING DATE 05/25/2001
DRIVER LICENSE # 20838848
DATE OF BIRTH 01/19/1965

Dear MR. MICHAEL:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 1547 of the Pennsylvania Vehicle Code. As a result of your violation of Section 1547 of the Vehicle Code, CHEMICAL TEST REFUSAL, on 01/25/2001:

- Your driving privilege is SUSPENDED for a period of 1 YEAR(S) effective 07/06/2001 at 12:01 a.m.

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

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 07/06/2001. You may surrender these items before, 07/06/2001, 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 State Police for prosecution under SECTION 1571(a)(4) of the Pennsylvania Vehicle Code.

PAYING 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.

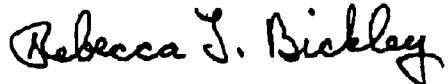
APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, JUNE 01, 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 07/06/2001.

Sincerely,



Rebecca L. Bickley, Director
Bureau of Driver Licensing

INFORMATION 7:00 a.m. to 9:00 p.m.

IN STATE	1-800-932-4600	TDD IN STATE	1-800-228-0676
OUT-OF-STATE	717-391-6190	TDD OUT-OF-STATE	717-391-6191
WEB SITE ADDRESS	www.dot.state.pa.us		

FILED

JUN 28 2001
019:15 a.m. King pd \$80.00
William A. Shaw
Prothonotary

cc atty King

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

SHANNON T. MICHAEL,
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

NO. 01-1031-CO

Type of Case: Appeal from
Driver's License Suspension
Type of Pleading: Petition

Filed on behalf of: Petitioner

Counsel of Record for this Party:
David P. King, Esquire
23 Beaver Drive
P. O. Box 1016
DuBois, PA 15801
(814) 371-3760

Supreme Court No. 22980

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

JUN 28 2001

Attest.

William J. O'Brien
Prothonotary

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

SHANNON T. MICHAEL, :
Petitioner :
: :
vs. : NO. _____ C.D.
: :
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
Respondent :
:

PETITION FOR REVIEW OF ORDER OF DEPARTMENT OF
TRANSPORTATION SUSPENDING OPERATING PRIVILEGE

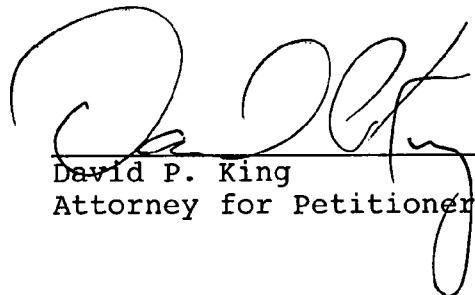
AND NOW, comes your Petitioner, SHANNON T. MICHAEL, through his Attorney, David P. King, and in support of his Petition pursuant to 75 Pa. Cons. Stat. §1550 for Review of an Order of the Department of Transportation Suspending Petitioner's Operating Privilege, and in support thereof represents as follows:

1. Petitioner, SHANNON T. MICHAEL, is an adult individual residing at 315 West Weber Avenue, DuBois, PA 15801.
2. Petitioner currently possesses a valid Driver's License issued to him by the Pennsylvania Department of Transportation, License Number 20838848.
3. By letter bearing Processing Date of May 25, 2001, and indicating a Mail Date of June 1, 2001, Petitioner was notified in writing by the Department of Transportation of a suspension of his Driver's License and privileges for a violation of Section 1547 of the Vehicle Code, Chemical Test Refusal, on January 25, 2001. Copy attached hereto as Exhibit "A" Pages 1 through 3.

4. The suspension as referred to herein is improper, and unlawful in that your Petitioner did not refuse to take or submit to a chemical or a breath test, for the reason being that he was mentally and/or medically incapable of the following:

- (a) Understanding the request that he submit to such testing;
- (b) Understanding the ramifications of not taking such test;
- (c) Understanding his alternatives; and
- (d) Thus, the Petitioner's temporary inability to make a decision regarding the above and to understand all that was said to him at the time did not constitute a refusal.

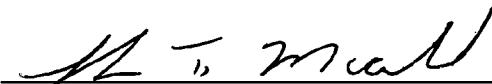
WHEREFORE, Petitioner respectfully requests that the Court set this matter down forthwith for a de novo hearing pursuant to 75 Pa. Cons. Stat. §1550, and that the Order of the Department of Transportation be set aside.



David P. King
Attorney for Petitioner

I verify that the statements made in this Petition for Review of Order of Department of Transportation Suspending Operating Privilege 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: June 26, 2001



Shannon T. Michael
Petitioner

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: JUNE 01, 2001

SHANNON T MICHAEL
315 W WEBER AVE
DU BOIS PA 15801

WID # 011456117384131 001
PROCESSING DATE 05/25/2001
DRIVER LICENSE # 20838848
DATE OF BIRTH 01/19/1965

Dear MR. MICHAEL:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 1547 of the Pennsylvania Vehicle Code. As a result of your violation of Section 1547 of the Vehicle Code, CHEMICAL TEST REFUSAL, on 01/25/2001:

- Your driving privilege is SUSPENDED for a period of 1 YEAR(S) effective 07/06/2001 at 12:01 a.m.

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

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 07/06/2001. You may surrender these items before, 07/06/2001, 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 State Police for prosecution under SECTION 1571(a)(4) of the Pennsylvania Vehicle Code.

PAYING 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.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, JUNE 01, 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 07/06/2001.

Sincerely,

Rebecca L. Bickley

Rebecca L. Bickley, Director
Bureau of Driver Licensing

INFORMATION 7:00 a.m. to 9:00 p.m.

IN STATE	1-800-932-4600	TDD IN STATE	1-800-228-0676
OUT-OF-STATE	717-391-6190	TDD OUT-OF-STATE	717-391-6191
WEB SITE ADDRESS	www.dot.state.pa.us		

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

Shannon T. Michael
Plaintiff

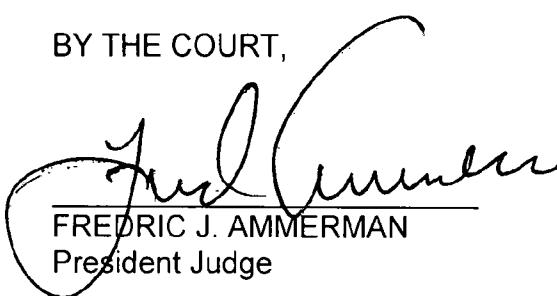
vs.
Commonwealth of Pennsylvania, Dept. of Transportation
Defendant

*
*
* NO. 01-1031-CD
*
*

ORDER

NOW, this 24th day of July, 2007, it is the ORDER of this Court that the above-captioned case be and is hereby dismissed due to inactivity.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 07/25/2007
JUL 25 2007
cc. Atty's: King
Kumar
GK
William A. Shaw
Prothonotary/Clerk of Courts