

02-608-CD
COMMONWEALTH OF PENNSYLVANIA -vs- RICHARD L. CATHCART
DEPARTMENT OF TRANSPORTATION

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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Appellee

VS.

RICHARD L. CATHCART,
Appellant

: NO. 02-608-CO
:
: Type of Case:
: Civil Division
:
: Type of Pleading:
: Petition for Appeal From
: Orders of Department of
: Transportation Suspending
: Driver's License
:
: Filed on Behalf of:
: Richard L. Cathcart,
: Appellant
:
: Counsel of Record for This
: Party:
: F. Cortez Bell, III, Esq.
: I.D. #30183
:
: BELL, SILBERBLATT & WOOD
: 318 East Locust Street
: P.O. Box 670
: Clearfield, PA. 16830
: Telephone: (814) 765-5537
:
:

FILED

APR 17 2002

0123414cc atty Bell
William A. Shaw
Prothonotary atty Bell
pc \$80.00
icc c/a

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

COMMONWEALTH OF PENNSYLVANIA	:	
DEPARTMENT OF TRANSPORTATION,	:	
Appellee	:	
	:	
VS.	:	NO.
	:	
RICHARD L. CATHCART,	:	
Appellant	:	

PETITION FOR APPEAL FROM ORDERS OF DEPARTMENT
OF TRANSPORTATION SUSPENDING DRIVER'S LICENSE

TO THE HONORABLE JUDGES OF THE COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY:

The Petition of Richard L. Cathcart, respectfully
represents as follows:

1. That your Petitioner, Richard L. Cathcart, currently
resides at R.D. #1, Box 551, New Millport, Clearfield County,
Pennsylvania.

2. That your Petitioner's Drivers License Number is
15679991 and his date of birth is April 7, 1951.

3. That by Notice dated March 19, 2002, your Petitioner
received notification that his driving privileges were to be
suspended on April 23, 2002.

4. That your Petitioner is an over the road truck
driver and therefore would assert that he is in need of his drivers
license for purpose of employment and that any loss of his license
would place him in a position that his employment would suffer.

5. That the suspension of the Petitioner's driving

privileges at this point in time, for any period, would deprive the Petitioner of his ability to travel which is necessary in order to maintain his employment as well as to carry out his day to day activities.

6. That the Petitioner would assert that the taking of his license by the Department of Transportation violates the Petitioner's due process rights and right to pursue his employment.

WHEREFORE, it is respectfully requested that your Honorable Court sustain the License Suspension Appeal filed by the Petitioner and issue a Supersedeas Order suspending the effect of the Suspension Notices that have been received.

Respectfully submitted,

FC Bell III
F. Cortez Bell, III, Esquire
Attorney for Petitioner

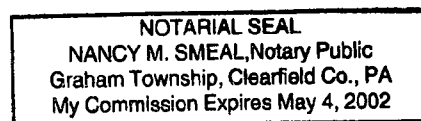
COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared F. Cortez Bell, III, Esquire, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition for Appeal from Order of Department of Transportation Suspending Driver's License are true and correct to the best of his knowledge, information and belief.

F. Cortez Bell III

SWORN and SUBSCRIBED before me
this 17th day of April, 2002.

Nancy M. Smeal



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
MARCH 19, 2002

RICHARD L CATHCART
R D 1 BOX 551
NEW MILLPORT PA 16861

020719283778102 001
03/12/2002
15679991
04/07/1951

Dear Motorist: . . .

As a result of your conviction on 03/11/2002 of violating Section 3310 of the Vehicle Code, FOLLOWING TOO CLOSELY on 02/15/2002 , your privilege to drive a commercial motor vehicle is being disqualified for a period of 60 DAY(S) as mandated by Section 1611G of the Vehicle Code.

The effective date of disqualification is 04/23/2002, 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.

Please see the enclosed application for restoration fee information.

020719283778102

While your commercial driving privilege is disqualified, the Vehicle Code permits a driver to obtain a noncommercial Class C or M license, if the driver possesses the motorcycle qualification, to drive noncommercial motor vehicles. If you wish to obtain this license, please complete the enclosed application as instructed and return it to the Department.

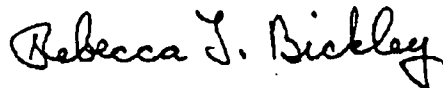
Please be aware that if you elect to obtain this noncommercial Class C or M license, you are still prohibited from operating a commercial motor vehicle. If you do so, you are subject to additional penalties, including possible lifetime disqualification of your commercial driving privilege.

You have the right to appeal the Department's action to the Court of Common Pleas (Civil Division) within 30 days of the mail date (MARCH 19, 2002) of this notice. You must still send in your license before the effective date of disqualification unless you appear in person before a Judge and receive an order permitting you to continue to drive. PLEASE NOTE that this Civil Appeal is in addition to any appeal you have to file from the criminal conviction.

AFTER THE APPEAL HAS BEEN FILED IN THE COUNTY COURT, A TIME-STAMPED CERTIFIED COPY OF THE APPEAL MUST BE SENT BY CERTIFIED MAIL TO:

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
OFFICE OF CHIEF COUNSEL
THIRD FLOOR, RIVERFRONT OFFICE CENTER
HARRISBURG, PA. 17104

Sincerely,



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 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, PENNSYLVANIA CIVIL DIVISION No.	
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, Appellee	
vs.	
RICHARD L. CATHCART, Appellant	
PETITION FOR APPEAL FORM ORDERS OF DEPARTMENT OF TRANSPORTATION SUSPENDING DRIVER'S LICENSE	
BELL, SILBERBLATT & WOOD ATTORNEYS AT LAW 318 EAST LOCUST STREET P. O. BOX 670 CLEARFIELD, PA. 16830	

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION, :
Appellee :

VS. :

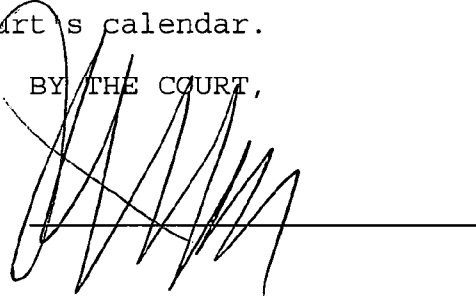
RICHARD L. CATHCART, :
Appellant :

NO. 02-608-CO

ORDER

AND NOW, this 22nd day of April, 2002, upon consideration of the foregoing Petition for Appeal from Order of Department of Transportation Suspending Driver's License, it is the Order of this Court that the Court Administrator of Clearfield County is directed to schedule this matter at the next available session of License Suspension Appeals with the scheduling of the same to be consistent with the Court's calendar.

BY THE COURT,



FILED

APR 23 2002
018:4915cc atty Bell
William A. Shaw
Prothonotary
BGA
aw

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
No.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Appellee

vs.

RICHARD L. CAUHCART,
Appellant

ORDER

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION, :
Appellee :

VS. :

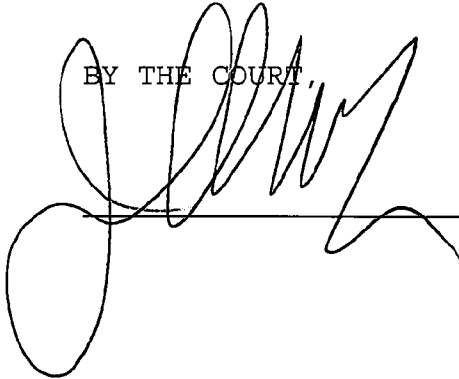
RICHARD L. CATHCART, :
Appellant :

NO. 02-608-00

ORDER

AND NOW, this 22nd day of April, 2002, upon consideration of the foregoing Petition for Appeal From Order of Department of Transportation Suspending Driver's License, it is the Order of this Court that a Supercedes with regard to suspension of Petitioner's driving privileges be and is hereby granted until such time as a hearing and decision may be had on the merits of said Appeal.

BY THE COURT,



FILED

APR 23 2002

018:5714ccathy Bell
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA CIVIL DIVISION No.	
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, Appellee	vs.
RICHARD L. CATHCART, Appellant	
ORDER	
BELL, SILBERBLATT & WOOD ATTORNEYS AT LAW 318 EAST LOCUST STREET P. O. BOX 670 CLEARFIELD, PA. 16830	

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

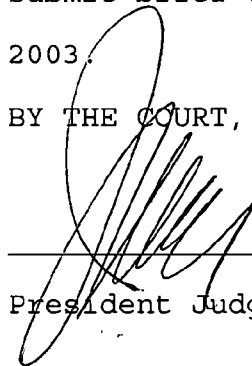
VS. : NO. 02-608-CD

RICHARD L. CATHCART : License Suspension Appeal

O R D E R

NOW, this 19th day of December, 2003, this being the day and date set for hearing into the above-captioned Appeal from License Suspension; following testimony and upon consideration thereof, it is the ORDER of this Court that counsel have the opportunity to submit brief to this Court by no later than Monday, December 22, 2003.

BY THE COURT,



President Judge

FILED

JAN 02 2004

William A. Shaw
Prothonotary

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

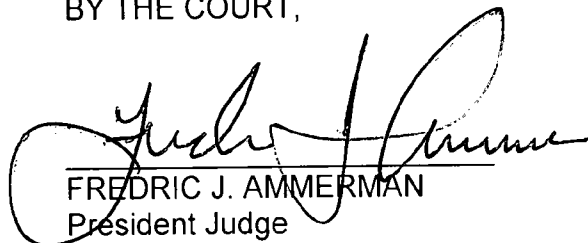
Commonwealth of Pennsylvania, Dept. of Transportation
Plaintiff
vs.
Richard L. Cathcart
Defendant

*
*
* NO. 02-608-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

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01:21:01
JUL 24 2007

icc Atty:
Bell
Kuhars

William A. Shaw
Prothonotary/Clerk of Courts

CR