

02-921-CU
JERRY DONALD MOSS -vs- COMMONWEALTH OF PENNSYLVANIA, DEPT.
OF TRANSPORTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Jerry Donald Moss :
Appellant :
VS. : No. 02-921 -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 JERRY DONALD MOSS,
residing at and having a mailing address of: R.D. #1, Box
505, Morrisdale, P.O. Box 335, Bigler, PA 16825.
2. Appellee herein is the Department of Transportation of the
Commonwealth of Pennsylvania, having a mailing address of:
XX 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 9, 2002, a copy of which is
attached hereto as Exhibit "A", the Department of
Transportation
XX Ordered Appellant to surrender his/her operating
license/motor vehicle registration for a period
of sixty (60) days.
 Denied the issuance/renewal of a driver's
license.
4. Supersedeas:
XX 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.

FILED

JUN 07 2002

William A. Shaw
Prothonotary

_____ 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.

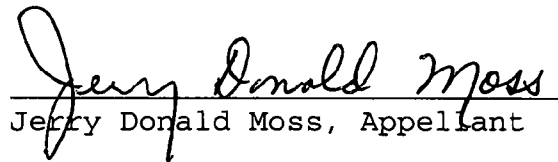
_____ Pursuant to 75 Pa.C.S.A. § 1377 (a), Appellant is retaining motor vehicle registration until final determination of the suspension of registration.

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

Defendant believes that the Commonwealths has wrongfully suspended his commercial license privileges because he only has the one violation for speeding which is the basis for the Commonwealth's suspension of privileges and the Defendant believes that suspension for violation is not warranted under 1611(q) because he does not have two (2) serious driving offenses within a three (3) year period.

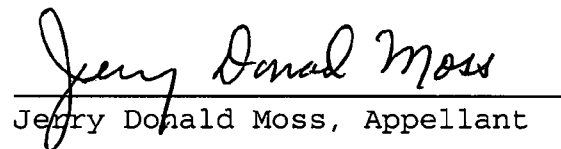
Appellant respectfully requests that this matter be set down for a hearing and that the order of suspension/order of denial be set aside.

Respectfully submitted by,


Jerry Donald Moss, Appellant

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: 6-7-02


Jerry Donald Moss, Appellant

COMMONWEALTH/LOCAL AGENCY APPEALS

APPEAL FROM A SUSPENSION OF OPERATING PRIVILEGE/DENIAL OF
DRIVER'S LICENSE (75 Pa.C.S.A. § 1550 et seq).

APPEAL FROM A SUSPENSION OF MOTOR VEHICLE REGISTRATION (75
Pa.C.S.A. § 1377)

1. Upon filling a petition for appeal with the Prothonotary substantially in the format shown in this manual, the Prothonotary shall file, assign a Court of Common Pleas number and collect fee.
2. Index and docket action pursuant to the GENERAL PROVISIONS Section of this manual.
3. This is a Civil Action, and should be given a Civil Court of Common Pleas number. (Note: This comment is for dual office holders.)
4. The Prothonotary is not responsible for serving a copy of the Petition on the Pennsylvania Department of Transportation(PennDOT), and Petitioner should be directed to send a copy to PennDOT. Certified/registered mail is suggested.
5. Subsequent filings should be filed and docketed pursuant to the GENERAL PROVISIONS Section of this manual.
6. RETENTION AND DISPOSITION SCHEDULE. In County Records manual, refer to:
 - a. Chapter 3 - Office of the Prothonotary, Subsection:
 - (1). Civil Dockets, Books and Indices.
 - (2). Civil Papers/Files.
 - b. If item is not in this schedule, contact State Archives for retention information.
7. Form:

Petition for Appeal From A Suspension of Operating Privilege/Denial of Driver's License/Suspension of Motor Vehicle registration.
8. Reference:

75 Pa.C.S.A. § 1550
75 Pa.C.S.A. § 1377

To Ralph Sandone

330-325-3032

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
MAY 09, 2002

JERRY DONALD MOSS
RD 1 BX 505-MORRISDALE
PO BOX 335
BIGLER PA 16825

021229253105926 001
05/02/2002
20859675
06/12/1942

Dear Motorist:

As a result of your conviction on 02/07/2002 of violating Section 3362 of the Vehicle Code, EXCEEDING MAXIMUM SPEED on 11/09/2001, 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 06/13/2002, 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.

021229253105926

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.

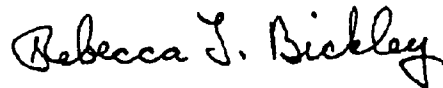
Please be aware that if you elect to obtain this noncommercial Class C or M license, you are still prohibited from operating a commercial motor vehicle. If you do so, you are subject to additional penalties, including possible lifetime disqualification of your commercial driving privilege.

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 (MAY 09, 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

FILED

JUN 07 2002

SP 012381 atty *McKee*
William A. Shaw
Prothonotary

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Jerry Donald Moss :
Appellant :
VS. : No. 02-921 -CD
Commonwealth of Pennsylvania :
Department of Transportation :
Appellee :

ORDER

AND NOW, this 25th day of June, 2002,
the Court Administrator's Office is directed to schedule this
matter on the next available License Suspension Appeal day.

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

BY THE COURT

Judge

FILED

JUN 25 2002

(Signature)

William A. Shaw
Prothonotary

FILED

acc

013:49-87

Atty M. Keese

JUN 25 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

VS

: NO. 02-921-CD

JERRY DONALD MOSS :

O R D E R

NOW, this 19th day of December, 2003, this being the day and date set for hearing in the above-captioned appeal from license suspension, following hearing thereon, it is the Order of this Court that said appeal be and is hereby DISMISSED and the action of the Department in suspending the appellant's license SUSTAINED. The Court strongly recommends that he be given credit towards his total suspension from June 12th to June 25th, 2002 and that the remainder of the suspension commence on Monday, December 22nd, 2003 providing that the Defendant surrenders his operator's license to the Department.

BY THE COURT,

President Judge

FILED

DEC 19 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

DEC 19 2003

William A. Shaw

Prothonotary/Clerk of Courts

WCC Atty Robert for service

[Handwritten signature]