

02-1253-CD
COMM. OF PA. -vs- EDWARD M. DAVIES, JR

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Respondent

vs.

EDWARD M. DAVIES, JR.
Petitioner

CIVIL DIVISION

No. 02 - ¹²⁵³~~1203~~ - CD

PETITION FOR APPEAL

Filed on behalf of:

Petitioner, EDWARD M. DAVIES, JR.

Counsel of Record for
Said Party:

PAUL COLAVECCHI, ESQUIRE
PA I.D. 83274

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

ORIGINALS -
+ COPY TO
C/A
8-13-02

LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
21 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED

AUG 13 2002

019521 atty Colavecchi
William A. Shaw
Prothonotary
+ 2cc atty.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
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Prothonotary *1cc CA*
+2cc atty

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

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION :
Respondent :
vs. : No. 02 - - CD
EDWARD M. DAVIES, JR. :
Petitioner :

PETITION FOR APPEAL

TO THE HONORABLE JUDGE OF THE SAID COURT:

NOW COMES, your Petitioner, Edward M. Davies, Jr., by the undersigned Counsel, respectfully Petitions the Court for review of an Order of the Department of Transportation suspending Petitioner's CDL operating privilege, and in support thereof represents as follows:

1. Your Petitioner, Edward M Davies, Jr., is an adult individual residing at 178 Ansonville Road, Irvona, Pennsylvania, 16656.

2. Petitioner currently possesses a valid CDL License issued on or about March 31, 2001 which has not heretofore been suspended, canceled or revoked.

3. On or about April 19, 2002, Petitioner received a Citation in the State of Maryland for Driving CMV Without CDL. This Citation was satisfied with the State of Maryland on July 5, 2002. A copy of said Notice of Satisfied Citation is attached hereto marked Exhibit "A".

4. Petitioner received Notice from the Pennsylvania Department of Transportation dated July 17, 2002 of the entry of an Order suspending his CDL License for Driving CMV Without CDL on April 19, 2002. A copy of said Notice is attached hereto marked Exhibit "B".

5. Petitioner's failure to renew his CDL License was unintentional and an inattentive error in forgetting the renewal date. Petitioner was preoccupied and emotionally involved with a family medical problem which required traveling to another state.

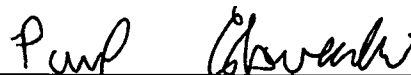
6. Petitioner depends upon his having a CDL driver's license for his livelihood, and would be severely prejudiced should redress of this action be denied and his privileges suspended.

7. Petitioner further requests that the Court immediately schedule a hearing pursuant to Pa.C.S.A. Section 1550(b)(ii) to grant a Supersedeas until final determination of this Appeal.

WHEREFORE, Petitioner requests that the Court grant the following relief:

- a. The prompt scheduling of a Supersedeas hearing pursuant to Section 1550 (b)(ii);
- b. The grant of his Appeal.

Respectfully submitted:



PAUL COLAVECCHI, ESQUIRE
Attorney for Petitioner

VERIFICATION

I verify that the statements made in this Petition for Appeal 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.


EDWARD M. DAVIES, JR.



1201

DISTRICT COURT OF MARYLAND FOR
J.I.S., P.O. BOX 6676
ANNAPOLIS MD 21401



CITATION: OBK36590

TO: DAVIES, EDWARD MARLIN JR
RD 1 BOX 39
IRVONA , PA 16656

STATE OF MARYLAND VS. DAVIES, EDWARD MARLIN JR

DATE: 07/05/02

NOTICE OF SATISFIED CITATION

THIS IS TO CERTIFY THAT ON JULY 05, 2002, YOU SATISFIED THE REQUIREMENT OF APPEARANCE BY TRIAL OR PAYMENT OF FINE FOR THE CHARGE LISTED ON THE CITATION IDENTIFIED ABOVE. IF YOU ARE AN OUT-OF-STATE MOTORIST AND YOUR LICENSE HAS BEEN SUSPENDED OR IS ABOUT TO BE SUSPENDED FOR FAILING TO COMPLY WITH THE CITATION SHOWN, YOU SHOULD PRESENT THIS RECEIPT TO THE MOTOR VEHICLE ADMINISTRATION OF YOUR HOME STATE. THE STATE OF MARYLAND DOES NOT NOTIFY OTHER STATE MOTOR VEHICLE ADMINISTRATIONS WHEN PAYMENTS ARE RECEIVED.

CHARGE: TA16115 F

FOR FURTHER INFORMATION CALL DISTRICT COURTS INTERACTIVE VOICE RESPONSE (IVR) SYSTEM:
FROM ALL AREAS INCLUDING OUT OF STATE CALL 1-800-492-2656
DIRECT TTY/TTT CALL 1-800-925-9690
RELAY TTY/TTT CALL 1-800-735-2258

S1
00461S1

Exhibit

"A"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
JULY 17, 2002

EDWARD M DAVIES JR
178 ANSONVILLE ROAD
IRVONA PA 16656

021919253134951 001
07/10/2002
18819294
03/07/1960

Dear Motorist:

As a result of your conviction on 07/05/2002 of violating Section 1606A of the Vehicle Code, DRIVING CMV WITHOUT CDL on 04/19/2002, your privilege to drive a commercial motor vehicle is being disqualified for a period of 6 MONTH(S) as mandated by Section 1611F of the Vehicle Code.

The effective date of disqualification is 08/21/2002, 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.

Exhibit

"B"

021919253134951

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.

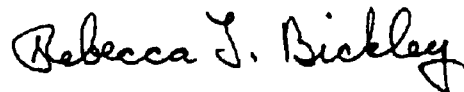
Please be aware that if you elect to obtain this noncommercial Class C or M license, you are still prohibited from operating a commercial motor vehicle. If you do so, you are subject to additional penalties, including possible lifetime disqualification of your commercial driving privilege.

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 (JULY 17, 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 ACTION
No. 02 - - CD

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Respondent

vs.

EDWARD M. DAVIES, JR.
Petitioner

PETITION FOR APPEAL

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Respondent

vs.

EDWARD M. DAVIES, JR.
Petitioner

CIVIL DIVISION

No. 02 - 1253 - CD

ORDER

Filed on behalf of:

Petitioner, EDWARD M. DAVIES,
JR.

Counsel of Record for
Said Party:

PAUL COLAVECCHI, ESQUIRE
PA I.D. 83274

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

FILED

AUG 23 2002

0134712ccatty
William A. Shaw
Prothonotary Colavecchi
[Signature]

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

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, : No. 02 - 1253 - CD
Respondent: :
Vs. :
EDWARD M. DAVIES, JR. :
Petitioner: :

ORDER

AND NOW, this 23rd day of August, 2002, upon consideration of the foregoing Petition for Appeal, pursuant to Pa.C.S.A. Section 1550(b)(ii), the Court being satisfied that a supersedeas of the suspension of Petitioners's operating privileges is appropriate under the facts and circumstances of this case, it is ORDERED that a supersedeas be and is hereby granted, pending the hearing of the said Appeal on its merits.

The Clearfield County Court Administrator will schedule a hearing on this matter during the period when the Court will hear said Appeals.

BY THE COURT:

JUDGE

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION
No. 02 - 1253 - CD

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Respondent

vs.

EDWARD M. DAVIES, JR.
Petitioner

O R D E R

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P. O. BOX 131
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Lap over margin

CA

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

COMMONWEALTH OF PENNSYLVANIA :

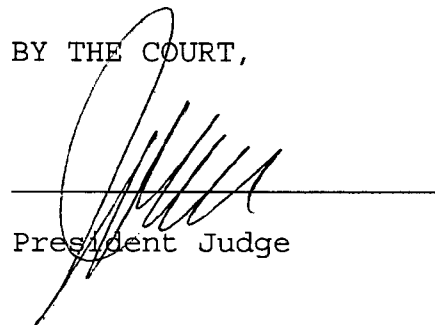
VS. : NO. 02-1253-CD

EDWARD M. DAVIES, JR. : 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; upon consent of the Commonwealth, it is the ORDER of this Court that said Appeal be and is hereby sustained and the action of the Secretary suspending said license dismissed.

BY THE COURT,



President Judge

FILED

JAN 02 2004

William A. Shaw
Prothonotary

111111

1.55184
JAN 02 2004

REC'D by P. Calusacki
acc. by K. Baker
1028 1000
1028 1000
1028 1000

WILLIAM A. SNOW
PROHIBITION

WAS