

03-35-CD  
COMMONWEALTH OF PA. VS. DAVID BRIAN WRIGHT

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

COMMONWEALTH OF PENNSYLVANIA

vs

\* No. 03-35 -C.D.

DAVID BRIAN WRIGHT,  
Defendant

\* Type of Case: Civil

\* Type of Pleading: Appeal from  
\* Suspension of Operator's License

\* Filed on Behalf of: Defendant

\* Counsel of Record for this Party:

\* CHRIS A. PENTZ, Esquire

\* Supreme Court I.D. # 39232  
\* 211 1/2 East Locust Street  
\* P. O. Box 552  
\* Clearfield PA 16830  
\* 814 765-4000

**FILED**

JAN 09 2003

William A. Shaw  
Prothonotary

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

COMMONWEALTH OF PENNSYLVANIA

\*

vs

No. 2003-

-C.D.

\*

DAVID BRIAN WRIGHT,  
Defendant

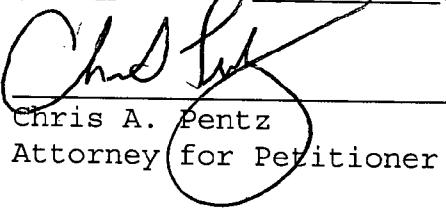
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APPEAL FROM SUSPENSION OF OPERATOR'S LICENSE

1. The Petitioner is DAVID BRIAN WRIGHT, who resides at 410 West Locust Street, Clearfield, Pennsylvania 16830.
2. The Petitioner has been issued Pennsylvania Driver's License Number 226 38 375.
3. By letter dated December 10, 2002, the Petitioner was advised that his driving privileges were being suspended for a period of three (3) months as a result of a violation of Section 1371 of the Vehicle Code: Drive while regular Suspended/revocated for a violation which occurred on 10/27/2002.
4. The Petitioner believes the suspension is improper due to the fact that Petitioner has not exhausted his appeal rights on the underlying conviction.
5. This Petition is filed pursuant to Section 1550 of the Pennsylvania Motor Vehicle Code.

WHEREFORE, Petitioner respectfully requests Your Honorable Court to enter an Order setting aside the Suspension.

Respectfully submitted this 9th day of Jan, 2003.

  
Chris A. Pentz  
Attorney for Petitioner

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: DECEMBER 10, 2002

DAVID BRIAN WRIGHT  
410 W LOCUST ST  
CLEARFIELD PA 16830

WID # 023379283106979 001  
PROCESSING DATE 12/03/2002  
DRIVER LICENSE # 22638375  
DATE OF BIRTH 11/27/1971

Dear MR. WRIGHT:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 1532B of the Pennsylvania Vehicle Code. As a result of your 12/02/2002 conviction of violating Section 1371 of the Vehicle Code DRIVE WHILE REG.SUSP/REVO on 10/27/2002:

*Summary Citation*

- Your driving privilege is SUSPENDED for a period of 3 MONTH(S) effective 01/14/2003 at 12:01 a.m.

Before PennDOT can restore your driving privilege, you must follow the instructions in this letter for COMPLYING WITH THIS SUSPENSION, PAYING THE RESTORATION FEE and PROVIDING PROOF OF INSURANCE. You should follow ALL instructions very carefully. Even if you have served all the time on the suspension/revocation, we cannot restore your driving privilege until all the requirements are satisfied.

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 01/14/2003. You may surrender these items before, 01/14/2003, 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 \$10.00. 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.

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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.

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PROVIDING PROOF OF INSURANCE

Within the last 30 days of your suspension/revocation, we will send you a letter asking that you provide proof of insurance at that time. This letter will list acceptable documents and what will be needed if you do not own a vehicle registered in Pennsylvania.

**Important:** Please make sure that PennDOT is notified if you move from your current address. You may notify PennDOT of your address change by calling any of the phone numbers listed at the end of this letter.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, DECEMBER 10, 2002, 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 01/14/2003.

Sincerely,

*Rebecca L. Bickley*

Rebecca L. Bickley, Director  
Bureau of Driver Licensing

SEND FEE/LICENSE/DL-16LC/T0:  
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

VERIFICATION

I, Chris A. Pentz, have read the foregoing Appeal. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to penalties of 18 Pa. C.S. §4904 relating to unsworn falsifications to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

I am authorized to make this verification on behalf of Defendant because of my position as counsel of record.

Dated: 1-9-03



Chris A. Pentz  
211 1/2 East Locust Street  
Clearfield PA 16830  
814 765-4000  
I. D. # 39232

CLIFFFIELD, PENNSYLVANIA 16830  
211 1/2 EAST LOCUST ST. P.O. BOX 552  
ATTORNEY AT LAW  
CHRIS A. PENNZ

Fold Here

FILED

JAN 9 2003

012:05 PM

William A. Shaw  
Prothonotary

2 copy to Atty

1 copy to C/A

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

COMMONWEALTH :  
vs. : No. 03-35-CD  
DAVID BRIAN WRIGHT :  
:

**ORDER**

AND NOW, this 13th day of January, 2004, it is the ORDER of the Court that the License Suspension Appeal filed in the above matter has been scheduled for Monday, February 23, 2004 at 10:00 A.M. before the Honorable John K. Reilly, Sr. Judge, Specially Presiding, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

  
FREDRIC J. AMMERMAN

President Judge

**FILED**

JAN 13 2004

William A. Shaw  
Prothonotary/Clerk of Courts

F: 13  
O 3:46 PM  
JAN 13 2004  
William A. Shaw  
Prothonotary/Clerk of Courts  
to CJA - will serve  
EPA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

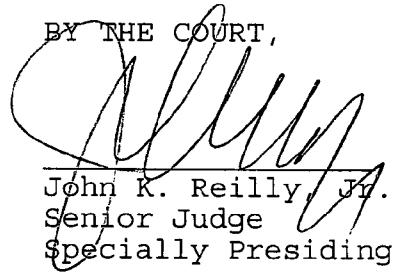
COMMONWEALTH OF PENNSYLVANIA : :

VS. : NO. 03-35-CD

DAVID BRIAN WRIGHT : License Suspension Appeal

O R D E R

NOW, this 23rd day of February, 2004, this being the day and date set for hearing into the above-captioned Appeal from License Suspension, upon agreement of the parties, it is the ORDER of this Court that the matter shall be and is hereby remanded to the Departmental Hearing Officer for further proceedings.

BY THE COURT,  
  
John K. Reilly, Jr.  
Senior Judge  
Specially Presiding

FILED

FEB 24 2004

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED** 2cc Atlys Kuhar, Pentz  
01/30/08 2001 2  
FEB 24 2004 *ESD*

William A. Shaw  
Prothonotary/Clerk of Courts