

03-424-CD
COMMONWEALTH OF PA. VS. MARK S. GRAHAM

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

COMMONWEALTH OF PENNSYLVANIA

vs

MARK S. GRAHAM,
Defendant

* No. 03-424-CJ

* 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

MAR 24 2003

William A. Shaw
Prothonotary

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

COMMONWEALTH OF PENNSYLVANIA

*

vs

No. 2003-82-C.D.

*

MARK S. GRAHAM,

Defendant

*

APPEAL FROM SUSPENSION OF OPERATOR'S LICENSE

1. The Petitioner is MARK S. GRAHAM, whose mailing address is P. O. Box 54, Wallaceton, Pennsylvania 16876.

2. The Petitioner has been issued Pennsylvania Driver's License Number 600 24 4201.

3. By letter dated March 13, 2003, the Petitioner was advised that his driving privileges were being suspended for a period of one (1) year as a result of a violation of Section 1547 of the Vehicle Code: CHEMICAL TEST REFUSAL for a violation which occurred on 11/30/2002.

4. The Petitioner believes the suspension is improper due to the fact that Petitioner never at any time refused to submit to a chemical test.

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 19 day of March, 2003.


Chris A. Pentz
Attorney for Petitioner

VERIFICATION

I, Mark S. Graham, verify that the statements made in this 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.

3-24-03
Date

Mark S. Graham
Mark S. Graham

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: MARCH 13, 2003

MARK S GRAHAM
PO BOX 54
WALLACETON PA 16876

WID # 030657195032741 001
PROCESSING DATE 03/06/2003
DRIVER LICENSE # 60024201
DATE OF BIRTH 11/10/1963

Dear MR. GRAHAM:

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 11/30/2002:

- Your driving privilege is SUSPENDED for a period of 1 YEAR(S) effective 04/17/2003 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 04/17/2003. You may surrender these items before, 04/17/2003, 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.

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.

030657195032741

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, MARCH 13, 2003, 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 04/17/2003.

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		

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

Hold Here

FILED

01/31/04
MAR 24 2003

404 C
404 C
Atty Penz

Atty Ad. 8500
William A. Shaw
Prothonotary

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

COMMONWEALTH OF PENNSYLVANIA

vs

* No. 2003- 424 - C.D.

MARK S. GRAHAM,
Defendant

* Type of Case: Civil

* Type of Pleading: Petition for
* Supersedeas/Order

* Filed on Behalf of: Defendant

* Counsel of Record for this Party:
* CHRIS A. PENTZ, Esquire
* Supreme Court I.D. # 39232
* 211 ½ East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED

MAY 30 2003

William A. Shaw
Prothonotary

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

COMMONWEALTH of PENNSYLVANIA

vs.

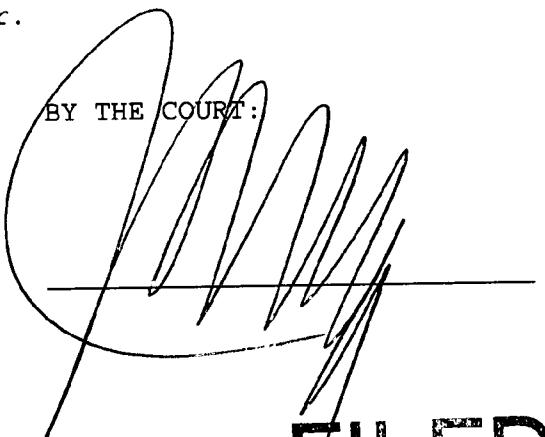
* No. 2003-424-CD

MARK S. GRAHAM,
Defendant

SUPERCEDEAS ORDER

AND NOW, this 30 day of May, 2003, the
Defendant in the above captioned matter, having filed an
Appeal from Suspension of Operator's License, it is hereby
ORDERED and DECREED that pursuant to 75 Pa. C.S.A. §1550,
the Department's disqualification of the Defendant's
Commercial Operating Privileges is superseded until final
determination of this matter.

BY THE COURT:



FILED

MAY 30 2003

William A. Shaw
Prothonotary

FILED

03-5334
cc ~~cc~~ ~~cc~~
MAY 30 2003
Court of Appeals
of the Commonwealth
of Pennsylvania

William A. Shaw
Prothonotary

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

COMMONWEALTH of PENNSYLVANIA *

VS. *

No. 2003-424-CD

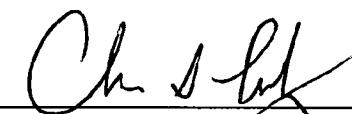
MARK S. GRAHAM, *
Defendant

PETITION FOR SUPERSEDEAS

1. The Petitioner is the Defendant in the above captioned matter.
2. An Appeal from Suspension of Operator's License was filed with Your Honorable Court to the above Docket Number.
3. The Petitioner is reasonable likely of a successful Appeal of his commercial disqualification in that the refusal is based on a refusal to sign a hospital release form.
4. This Ex Parte Petition is filed pursuant to Pa.C.S.A. Section 1550 (b) (2) .

WHEREFORE, Petitioner requests a Supersedeas of the Commercial operating privileges disqualification.

Respectfully submitted this 7 day of May, 2003.



Chris A. Pentz
Attorney for Defendant

VERIFICATION

I, Mark S. Graham, verify that the statements made in this **Petition for Supersedeas** 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.

5/7/03
Date


Mark S. Graham

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

Fold Here

FILED
3:53 PM
MAY 30 2003
Clerk
William A. Shaw
Prothonotary
Prothonotary

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

FILED

18:45 AM
JUN 18 2003

Re-mailed to:

PA Dept. of Trans.
Office of Chief Counsel

William A. Shaw
Prothonotary
Third Floor, Riverfront
Office Center

Harrisburg, PA 17104-2516

18

Commonwealth of Pennsylvania
Third Floor, Riverfront Office
Harrisburg, PA 17106

A INSUFFICIENT ADDRESS
C ATTEMPTED NOT KNOWN
S NO SUCH NUMBER/ STREET
S NOT DELIVERABLE AS ADDRESSED
- UNABLE TO FORWARD

RTS
RETURN TO SENDER

16830/0549

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

COMMONWEALTH OF PENNSYLVANIA

vs

* No. 2003- 424 - C.D.

MARK S. GRAHAM,
Defendant

* Type of Case: Civil

* Type of Pleading: Petition for
* Supersedeas/Order

* Filed on Behalf of: Defendant

* Counsel of Record for this Party:
* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
* 211 ½ East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

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

MAY 30 2003

Attest.

William L. Chan
Prothonotary/
Clerk of Courts

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

COMMONWEALTH of PENNSYLVANIA

vs.

* No. 2003-424-CD

MARK S. GRAHAM,
Defendant

SUPERCEDEAS ORDER

AND NOW, this 30 day of May, 2003, the
Defendant in the above captioned matter, having filed an
Appeal from Suspension of Operator's License, it is hereby
ORDERED and DECREED that pursuant to 75 Pa. C.S.A. §1550,
the Department's disqualification of the Defendant's
Commercial Operating Privileges is superseded until final
determination of this matter.

BY THE COURT:

/s/ JOHN K. REILLY, JR.

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

MAY 30 2003

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

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

COMMONWEALTH of PENNSYLVANIA *

VS. *

No. 2003-424-CD

MARK S. GRAHAM, *
Defendant

PETITION FOR SUPERSEDEAS

1. The Petitioner is the Defendant in the above captioned matter.

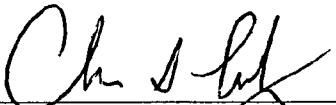
2. An Appeal from Suspension of Operator's License was filed with Your Honorable Court to the above Docket Number.

3. The Petitioner is reasonable likely of a successful Appeal of his commercial disqualification in that the refusal is based on a refusal to sign a hospital release form.

4. This Ex Parte Petition is filed pursuant to Pa.C.S.A. Section 1550 (b) (2).

WHEREFORE, Petitioner requests a Supersedeas of the Commercial operating privileges disqualification.

Respectfully submitted this 7 day of May, 2003.



Chris A. Pentz
Attorney for Defendant

VERIFICATION

I, Mark S. Graham, verify that the statements made in this Petition for Supersedeas 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.

5/7/03
Date

Mark S. Graham
Mark S. Graham

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA : :

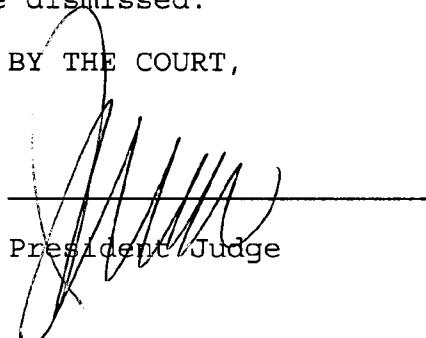
VS. : NO. 03-424-CD

MARK S. GRAHAM : 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 argument and upon consideration thereof, it is the ORDER of this Court that said Appeal be and is hereby sustained and the Department's suspension of operator's license dismissed.

BY THE COURT,


President Judge

FILED

JAN 02 2004

William J. Shaw
Prothonotary

FILED

0 134 88 2cc city Lubbock
2cc city Odessa
1cc Dr Odessa
JAN 02 2004
To Collection Pt 16876

KOK

WILLIAMS & COMPANY
1400 14th Street
AUSTIN, TEXAS 78701