

03-1559-CD
COMMONWEALTH OF PENNA. VS. GLORIA J. PEWANICK

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

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

VS.

2003- 1559-cp

GLORIA J. PEWANICK

APPEAL FROM IGNITION
INTERLOCK REQUIREMENT

PETITION FOR APPEAL FROM IGNITION INTERLOCK

TO THE HONORABLE JUDGES OF THE COURT:

1. This Court has jurisdiction over this case by virtue of 42 Pa.C.S. § 933(a) and 75 Pa.C.S. § 1550(a).

2. Petitioner is Gloria J. Pewanick, whose address is P.O. Box 265, Curch St., Clearfield, Clearfield County, Pennsylvania, 16858.

3. Respondent is the Bureau of Driver Licensing of the Commonwealth of Pennsylvania, Department of Transportation, which has its principal place of business at the Riverfront Office Center, 1101 South Front Street, Harrisburg, Pennsylvania.

4. By Official Notice(s) from the Director of the Bureau of Driver Licensing, Department of Transportation, Commonwealth of Pennsylvania, true and correct copy(s) of which is/are attached hereto as Exhibit "A" and incorporated herein by reference as though set forth in full, Petitioner was informed that she is required to have an ignition interlock device installed on every vehicle that he owns as a result of alleged violations of Section 3731 of the Motor Vehicle Code.

5. Petitioner believes and therefore avers that the suspension of her operating privileges by the Department of Transportation, Commonwealth of Pennsylvania, is improper and without legal basis for the following reason:

1. Her prior ARD for DUI was before September 30, 2000.

FILED

OCT 16 2003

M 112301mg

William A. Shaw
Prothonotary

1 CERT TO ATT &
1 CERT TO C/A

CR

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

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

VS.

2003- 1559-cp

GLORIA J. PEWANICK

APPEAL FROM IGNITION
INTERLOCK REQUIREMENT

PETITION FOR APPEAL FROM IGNITION INTERLOCK

TO THE HONORABLE JUDGES OF THE COURT:

1. This Court has jurisdiction over this case by virtue of 42 Pa.C.S. § 933(a) and 75 Pa.C.S. § 1550(a).
2. Petitioner is Gloria J. Pewanick, whose address is P.O. Box 265, Curch St., Clearfield, Clearfield County, Pennsylvania, 16858.
3. Respondent is the Bureau of Driver Licensing of the Commonwealth of Pennsylvania, Department of Transportation, which has its principal place of business at the Riverfront Office Center, 1101 South Front Street, Harrisburg, Pennsylvania.
4. By Official Notice(s) from the Director of the Bureau of Driver Licensing, Department of Transportation, Commonwealth of Pennsylvania, true and correct copy(s) of which is/are attached hereto as Exhibit "A" and incorporated herein by reference as though set forth in full, Petitioner was informed that she is required to have an ignition interlock device installed on every vehicle that he owns as a result of alleged violations of Section 3731 of the Motor Vehicle Code.
5. Petitioner believes and therefore avers that the suspension of her operating privileges by the Department of Transportation, Commonwealth of Pennsylvania, is improper and without legal basis for the following reason:

1. Her prior ARD for DUI was before September 30, 2000.

FILED

OCT 16 2003

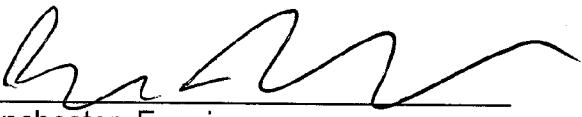
m/11230/wg

William A. Shaw
Prothonotary

1 CERT TO ATTY &
1 CERT TO CLA

WHEREFORE, Petitioner prays that this Honorable Court enter an Order fixing the time and place of a hearing to determine whether the ignition interlock requirement should be set aside as improper and invalid.

Respectfully submitted,



Brian Manchester, Esquire
Manchester & Associates
124 W. Bishop St.
Bellefonte, PA 16823
814-355-5421
I.D. # 85080

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: SEPTEMBER 22, 2003

GLORIA J PEWANICK
CHURCH ST
PO BOX 265
MORRISDALE PA 16858

WID # 032586117094767 001
PROCESSING DATE 09/15/2003
DRIVER LICENSE # 19301785
DATE OF BIRTH 05/10/1948

RECEIVED

SEP 24 2003

R. BRUCE MANCHESTER
& ASSOCIATES

LICENSE IN BUREAU

Dear MS. PEWANICK:

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 08/11/2003 conviction of violating Section 3731 of the Vehicle Code **DRIVING UNDER INFLUENCE** on 04/19/2003:

- Your driving privilege is **SUSPENDED** for a period of 1 **YEAR(S)** effective 08/11/2003 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 |

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.

EXHIBIT

A

032586117094767

PRISON RELEASE REQUIREMENT (ACT151)

The Court of CLEARFIELD CTY, Court Number 450, Court Term 2003 has sentenced you to serve a prison term for this violation. Pursuant to Section 1541(a.1) of the Vehicle Code, you will not receive credit for this suspension/revocation or any additional suspension/revocation until you complete your prison term. The Court must certify your completion to PennDOT. You may wish to contact your probation officer and/or the Court after your release to make sure that PennDOT is properly notified.

COURT ORDER TREATMENT PROGRAM (ACT 122)

Pursuant to Section 1548(d) of the Vehicle Code, the Court of CLEARFIELD CTY , Court Number 450, Court Term 2003 has ordered you to attend a treatment program for alcohol or drug addiction. As a result of the court order, this suspension/revocation shall remain in effect until the Department is notified by the above Court that you have successfully completed treatment and you are otherwise eligible for restoration of your driving privilege.

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.

IGNITION INTERLOCK

Before your driving privilege can be restored you are required by law to have all vehicle(s) owned by you to be equipped with an Ignition Interlock System. This is a result of your conviction for Driving Under the Influence. If you fail to comply with this requirement, your driving privilege will remain suspended for an additional year. You will receive more information regarding this requirement approximately 30 days before your eligibility date.

032586117094767

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, SEPTEMBER 22, 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.

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		

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

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

VS.

2003-

GLORIA J. PEWANICK

APPEAL FROM IGNITION
INTERLOCK REQUIREMENT

I, Brian Manchester, Esquire do swear according by law, that I have made service of the Petition For Appeal From Suspension of Operating Privileges upon the Plaintiff, Commonwealth of Pennsylvania, Department of Transportation by certified mail, return receipt requested



10-15-03
Brian Manchester, Esquire

60

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

COMMONWEALTH :
:
vs. : No. 03-1559-CD
:
GLORIA J. PEWANICK :
:

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 10:30 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

FILED 2 ac to
CJA - will serve
C 343 704
JAN 13 2004
William A. Shaw
Prothonotary/Clerk of Courts
WAS

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

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION :
vs. : No. 2003-1559-CD
GLORIA J. PEWANICK :
:

ORDER OF COURT

AND NOW, to wit: this 13th day of January, 2004, upon consideration of the foregoing Motion to Quash Appeal due to Lack of Subject Matter Jurisdiction, a rule is issued upon the petitioner, Gloria J. Pewanick, to show cause, if any, why this appeal by her from the Department's determination that she is subject to the operating privilege restoration requirement of having each motor vehicle that she owns equipped with an ignition interlock device upon her completion of the one year operating privilege suspension imposed for her conviction for violating Section 3731 of the Vehicle Code on April 19, 2003 should not be quashed because this Court lacks subject matter jurisdiction over this appeal.

Said rule is returnable on the 23 day of February, 2004, at 10:30 A.m. in Courtroom No. () of the Clearfield County Courthouse.

By the Court:

Judie J. Zimmerman
J.

FILED

JAN 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED

2cc & ice Motion

JAN 4 2004

to CA-will serve

3
William A. Shaw
Prothonotary/Clerk of Courts

(A)

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

Commonwealth of Pennsylvania,
Department of Transportation

: No. 2003-1559-CD

vs.

Gloria J. Pewanick

: Motion to Quash Appeal for
: Lack of Subject Matter Jurisdiction

: Filed on Behalf of:
: Commonwealth of Pennsylvania
: Department of Transportation

: Counsel for this Party:

: William A. Kuhar, Jr., Esquire
: Pa. ID #38885

: Office of Chief Counsel
: Firm #052
: 1209 State Office Building
: 300 Liberty Avenue
: Pittsburgh, PA 15222

: (412) 565-7555

FILED

NOV 21 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION :
: vs. : No. 2003-1559-CD
: :
GLORIA J. PEWANICK :
:

MOTION TO QUASH APPEAL FOR LACK OF SUBJECT MATTER JURISDICTION

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing, (Bureau), by its attorney, William A. Kuhar, Jr., Esquire, and requests this Honorable Court to quash this appeal from the Bureau's imposition of the requirement that the petitioner have each motor vehicle that she owns equipped with an ignition interlock device upon her completion of the one year operating privilege suspension imposed for her conviction for a violation of Section 3731 of the Vehicle Code on the grounds that this Court lacks subject matter jurisdiction to adjudicate the challenge to that requirement which is made by this appeal, and, in support thereof, avers the following:

1. On May 7, 1986, the petitioner, Gloria J. Pewanick, received an Accelerative Rehabilitative Disposition (ARD) in this Court on the charge of violating Section 3731 of the Vehicle Code, 75 Pa.C.S. §3731, on February 22, 1986. The petitioner was later convicted in this Court of that February 22, 1986 DUI offense on February 26, 1987.
2. On August 11, 2003, the petitioner was convicted in this Court on the charge of violating Section 3731(a)(1) and (a)(4)(i) of the Vehicle Code on April 19, 2003.
3. By official notice dated and mailed September 22, 2003, the Bureau notified the petitioner that her operating privilege was scheduled to be suspended for a period of one year, effective August 11, 2003, due to her August 11, 2003 conviction for violating Section 3731(a)(1) and (a)(4)(i) of the Vehicle Code on April 19, 2003.
4. By the September 22, 2003 suspension notice referred to in Paragraph 3 of this Motion, the Bureau further advised the petitioner that, before her operating privilege could be restored from the one year suspension referred to in Paragraph 3, she was required by law to have all vehicles owned by her equipped with an ignition interlock system.
5. On or about October 15, 2003, the petitioner filed this appeal from the Bureau's requirement that she have all vehicles that she owns equipped with an ignition interlock system upon her completion of the one year operating privilege suspension referred to in Paragraph 3 of this Motion in order to be eligible to have her operating privilege restored from that suspension.
6. The petitioner contends in her appeal petition that the Bureau's requirement that she have all vehicles that she owns equipped with an ignition interlock system upon her completion of the one year operating privilege suspension referred to in Paragraph 3 of this Motion in order to be eligible to have her operating privilege restored

from that suspension is improper because she received the ARD for her first DUI offense of February 22, 1986 prior to the effective date of Section 7002(b) of the Judicial Code, 42 Pa.C.S. §7002(b) - i.e., September 30, 2000, such that application of that statute to her case would be an improper retroactive application.

7. The Bureau's requirement that the petitioner have all vehicles that she owns equipped with an ignition interlock system upon her completion of the one year operating privilege suspension referred to in Paragraph 3 of this Motion constitutes an operating privilege restoration requirement. *See Commonwealth v. Mockaitis*, ___ A.2d ___, 2003 Pa. LEXIS 1908 (Pa., filed October 16, 2003), slip op. at 10 ("Indeed, since **compliance with the ignition interlock requirement is a prerequisite to even a conditional restoration of driving privileges under Act 63**, apprising the offender of the requirement in the sentencing order provides essential notice of the condition."); *Mockaitis*, slip op. at 11 ("Rather, that initial order, which effectuated the explicit directives of the statute, **erected a condition precedent to restoration of appellee's license.**"); *Mockaitis*, slip op. at 18-19 ("But in terms of **the obligation** it imposes upon the trial courts **to regulate the restoration of driving privileges** in this instance, that is exactly what Act 63 entails. ... This scheme essentially forces court employees to serve **the function of the Department of Transportation of regulating whether and when repeat DUI offenders are entitled to conditional restoration of their operating privileges**"); *Mockaitis*, slip op. at 20-21 ("For these reasons, we are constrained to hold that Act 63's delegation of **executive responsibility** to the courts **in connection with the restoration of the operating privileges of serial DUI offenders** is unconstitutional."); *Mockaitis*, slip op. at 21-22 ("Here, severing those portions of Act 63 which effectuate the delegation to the sentencing court of **the license restoration-related executive responsibilities of ordering installation of the devices** and certifying that they have been installed does not render the remainder of the statute incapable of execution in accordance with legislative intent."); *Mockaitis*, slip op. at 23 ("The factual predicate for each challenge arises from the provisions of the Act delegating to the trial court **the responsibility of regulating the restoration of operating privileges by ordering the devices installed 'on each motor vehicle owned' by the offender** and then investigating and certifying compliance to the Department."); *Mockaitis*, slip op. at 24 ("In summary, we hold that the provisions of Act 63 which delegate to the courts **the executive responsibility, more properly vested in the Department of Transportation, of regulating whether and when repeat DUI offenders are entitled to conditional restoration of their operating privileges**, are unconstitutional, but severable.)

8. Under Section 933(a)(1) of the Judicial Code, 42 Pa.C.S. §933(a)(1), a common pleas court has subject matter to hear the appeals from the following types of actions of the Department of Transportation: (1) the imposition of sanctions under Chapter 13 of the Vehicle Code, 75 Pa.C.S §§1301-1377, and the denial or suspension of a person's registration or authority to issue registration cards or plates (75 Pa.C.S. §1377); (2) denial of a driver's license to a person, the cancellation of a person's driver's license, the recall, suspension or revocation of a person's operating privilege or the disqualification of a person's privilege to operate commercial motor vehicles (75 Pa.C.S. §1550); (3) the denial of a certificate of appointment as an official inspection station to a person or the suspension of a person's certificate of appointment as an official inspection station (75 Pa.C.S. §4724(b)); (4) the denial of a certificate of authorization as a salvor to a person or the suspension of a person's certificate of authorization as a salvor (75 Pa.C.S. §7303(b)); and (5) the denial of a certificate of authorization as a messenger service to a person or for the suspension of a person's certificate of authorization as a messenger service (75 Pa.C.S. §7503(b)). However, a common pleas court does not have subject matter jurisdiction under Section 933(a)(1) of the Judicial Code to hear an appeal by a licensee from a determination by the Bureau that he or she is subject to an operating privilege restoration requirement established by statute and/or that he or she has not satisfied that requirement. *See, e.g., Department of Transportation v. Cunningham*, 604 A.2d 1212 (Pa. Cmwlth. 1992) (*en banc*); *Department of Transportation, Bureau of Traffic Safety v. Yarbinitz*, 508 A.2d 641 (Pa. Cmwlth. 1986).

9. In holding in *Mockaitis* that the Bureau's requirement that the petitioner have all vehicles that she owns equipped with an ignition interlock system upon her completion of the one year operating privilege suspension referred to in Paragraph 3 of this Motion constitutes an operating privilege restoration requirement, the Supreme Court of Pennsylvania implicitly **overruled** the decision of the Commonwealth Court of Pennsylvania in *Schneider v. Department of Transportation, Bureau of Driver Licensing*, 790 A.2d 363 (Pa. Cmwlth. 2002), that an appeal from a determination by the Bureau that a licensee whose operating privilege has been suspended or revoked due to a conviction for a violation of Section 3731 of the Vehicle Code is subject to the operating privilege restoration requirement of installation of an ignition interlock device in each of the vehicles that he or she owns and/or that he or she has not satisfied that requirement is an appeal from a Bureau action from which a statutory right of appeal lies under Section 1550(a) of the Vehicle Code, and hence one over which a common pleas court has subject matter jurisdiction pursuant to Section 933(a)(1)(ii) of the Judicial Code because failure to comply with that requirement will result in the suspension of the licensee's operating privilege for an additional one year

10. There is no statute providing a licensee whose operating privilege has been suspended or revoked due to a conviction for a violation of Section 3731 of the Vehicle Code with a right of appeal to a common pleas court from a determination by the Bureau that he or she is subject to the operating privilege restoration requirement of installation of an ignition interlock device in each of the vehicles that he or she owns and/or that he or she has not satisfied that requirement. Consequently, such a licensee has no right to appeal to a common pleas court from such a determination. *Cf. Brennan's Case*, 25 A.2d 155 (Pa. 1942).

11. When no right of appeal from a Bureau action is expressly provided for by statute, the Pennsylvania Constitution and the Administrative Agency Law, 2 Pa.C.S. §§501-508 and §§701-704, provide for a right to appeal that Bureau action, on the condition that it constitutes an adjudication by the Bureau. *Department of Transportation v. Hosek*, 524 (Pa. Cmwlth. 1971).

12. Since an appeal from a determination by the Bureau that a licensee is subject to an operating privilege restoration requirement established by statute and has failed to satisfy it is not one of the types of appeals over which a common pleas court is given subject matter jurisdiction by Section 933(a)(1) of the Judicial Code, and no other statute provides for the right to appeal such a determination by the Bureau, the recourse for a licensee who believes that the Bureau has improperly determined that he or she is subject to the operating privilege restoration requirement of installation of an ignition interlock device in each of the vehicles that he or she owns and/or that he or she has not satisfied that requirement is to apply for an administrative hearing before a Bureau hearing officer. *See Mockaitis*, slip op. at 24 ("Should appellee or any other serial DUI offender be aggrieved by an actual determination made by the Department in enforcing the remaining provisions of the Act, the administrative setting is the appropriate forum to raise such a challenge.") *Cf. Department of Transportation, Bureau of Driver Licensing v. Cardell*, 568 A.2d 999 (Pa. Cmwlth. 1990)(*en banc*). The petitioner can apply to the hearing officer for a supersedeas from the operating privilege restoration requirement while the Bureau adjudicates his or her claim that it is improper to subject him or her to that requirement or that he or she did satisfy that requirement. *Cf. Department of Transportation, Bureau of Driver Licensing v. Iacono*, 578 A.2d 1005, 1008, n. 8 (Pa. Cmwlth. 1990), *appeal denied*, (Pa. 1991). If not satisfied with the hearing officer's proposed report, the licensee may file exceptions to that report by the Secretary of Transportation. *Cf. Cardell; Niles v. Department of Transportation*, 674 A.2d 739 (Pa. Cmwlth. 1995). Finally, if the licensee is not satisfied with the decision of the Secretary of Transportation, he or she has a right under 2 Pa.C.S. §702 to obtain judicial review by filing a petition for review with the Commonwealth Court of Pennsylvania, which would have subject matter jurisdiction over that appeal pursuant to 42 Pa.C.S. §763. *Cf. Cardell*.

WHEREFORE, the Bureau respectfully requests that this Honorable Court enter a rule upon the petitioner to show cause, if any, why this appeal by her from the Bureau's determination that she is subject to the requirement of installation of an ignition interlock device in each vehicle that she owns upon her completion of the one year operating privilege suspension which was imposed for her second DUI offense should not be quashed due to its lack of subject matter jurisdiction over the appeal.

Respectfully submitted,

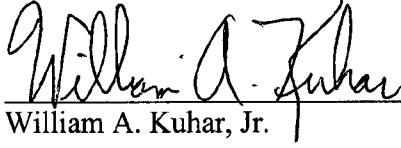

William A. Kuhar, Jr., Esquire
Assistant Counsel
Attorney for the Bureau

Certificate of Service

The undersigned does hereby certify that, on the date set forth below, he served a true and correct copy of the foregoing Motion to Quash Appeal upon counsel for the petitioner by regular United States first class mail, postage prepaid, addressed as follows:

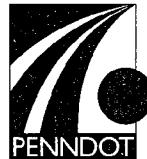
Brian Manchester, Esquire
124 West Bishop Street
Bellefonte, PA 16823

Date: 11/20/2003



William A. Kuhar, Jr.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
www.dot.state.pa.us
OFFICE OF CHIEF COUNSEL



1209 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-7555
Facsimile: (412) 565-7778

November 20, 2003

David S. Meholic, Court Administrator
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830

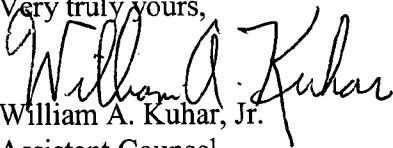
Re: Commonwealth of Pennsylvania,
Department of Transportation
vs.
Gloria J. Pewanick
No. 2003-1559-CD

Dear Mr. Meholic:

Enclosed herewith for presentation to the appropriate judge for his consideration is a motion to quash the above-captioned appeal from a Department order requiring installation of an ignition interlock device in each of the licensee's vehicles before her driving privilege will be restored from a one year suspension imposed for her second DUI offense because the court does not have subject matter jurisdiction over the appeal. At this time, the Department is only asking that the court enter a rule upon the petitioner to show cause, if any, why the appeal should not be quashed.

As of this date, there has been no date set for a hearing on the merits of the appeal.

Your anticipated assistance in this matter is appreciated.

Very truly yours,

William A. Kuhar, Jr.
Assistant Counsel

Enclosure (as stated)

cc: Brian Manchester, Esquire
File
Corres.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA

CRIMINAL

COMMONWEALTH OF PENNSYLVANIA : No. 03-1559-CD
VS. :
GLORIA J. PEWANICK :
:

PREACIPE TO WITHDRAW IGNITION INTERLOCK APPEAL

To the Prothonotary of Clearfield County:

Defendant is withdrawing her ignition interlock appeal. Please mark the docket as withdrawn.

Respectfully submitted,
MANCHESTER & ASSOCIATES



Brian V. Manchester, Esquire
124 West Bishop Street
Bellefonte, PA 16823
814-355-5421
ID # 85080

FILED
JAN 21 2004
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA

CRIMINAL

COMMONWEALTH OF PENNSYLVANIA : No. 03-1559-CD
VS. :
GLORIA J. PEWANICK :
:

CERTIFICATE OF SERVICE

I, Brian Manchester, Esquire, hereby certify that on the 19th day of
January 2007, I served the attached **PREACIPE TO WITHDRAW IGNITION**
INTERLCO/APPEAL on the person named below by U.S. Mail

William A. Kuhar, Esq.
Office of Chief Counsel
1209 State Office Building
300 Liberty Ave.
Pittsburgh, PA 15222

Respectfully submitted,



Brian Manchester, Esquire
Manchester & Associates
124 W. Bishop St.
Bellefonte, PA 16823
814-355-5421
I.D. # 85080

FILED

No cc

1/21/04

JAN 21 2004

copy to clA

William A. Shaw

Prothonotary/Clerk of Courts

Ex-10