

03-1813-CD  
COMMONWEALTH OF PENNSYLVANIA vs. BARRY F. BOYER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

COMMONWEALTH OF PENNSYLVANIA )  
DEPARTMENT OF TRANSPORTATION )  
vs. ) NO. 2003-1813-C0  
Barry F. Boyer )  
APPEAL FROM SUSPENSION OF  
OPERATING PRIVILEGES

FILED

PETITION FOR APPEAL FROM  
SUSPENSION OF OPERATING PRIVILEGES

TO THE HONORABLE JUDGES OF THE COURT:

NOW COMES Barry F. Boyer upon a Petition  
for Appeal from Suspension of Operating Privileges, whereof the following is a  
statement:

1. Petitioner is Barry F. Boyer  
whose address is P.O. Box 43 20 Apple ~~St~~ LANE, PA,  
Clearfield County, Pennsylvania. LANE, 16849

2. By Official Notice from the Director of the Bureau of Driver  
Licensing, Department of Transportation, Commonwealth of Pennsylvania, a true and  
correct copy of which is attached hereto as Exhibit "A" and incorporated herein by  
reference as though set forth in full, Petitioner was informed that his operating  
privileges would be suspended for a period of 1 yr., effective  
12/16/03, as a result of an alleged violation of Section  
1547 of the Motor Vehicle Code.

DEC 09 2003  
01/11/2004  
William A. Shaw  
Prothonotary/Clerk of Courts  
Clerk to DEPT  
Clerk to C/L

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

The Officer Ask me, "if I had been drinking?" I said "yes." He said, "I'll have to take you for A Blood test." I Said "You don't have to, I'll admit I'm drunk," and He Said, "Alright you'll have to sign this paper," which I did & showed Him my drivers License. He looked AT THESE & NEVER Said Anything about the Consequences AS He Stated He Had. I asked if that was it, & He Stated yes & I Said Bye.

WHEREFORE, Petitioner prays that this Honorable Court enter an Order fixing the time and place of a hearing to determine whether the operating privileges of Petitioner should be suspended or the suspension should be set aside as improper and invalid.

Respectfully submitted,

Barry F. Boyer

Phone (814) 345-6213

VERIFICATION

Subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, I, Barry F. Boyer, verify that the averments of fact set forth in the foregoing Petition for Appeal from Suspension of Operating Privileges are true and correct upon my personal knowledge or information and belief.

Barry F. Boyer

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: NOVEMBER 11, 2003

BARRY FRANCIS BOYER  
SPRUCE ST  
PO BOX 43  
LANSE PA 16849

WID # 033086187081394 001  
PROCESSING DATE 11/04/2003  
DRIVER LICENSE # 18491983  
DATE OF BIRTH 04/09/1959

Dear MR. BOYER:

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 06/20/2003:

- Your driving privilege is SUSPENDED for a period of 1 YEAR(S) effective 12/16/2003 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 12/16/2003. You may surrender these items before, 12/16/2003, 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.

033086187081394

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.

033086187081394

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, NOVEMBER 11, 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 12/16/2003.

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		

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

COMMONWEALTH :  
:  
vs. : No. 03-1813-CD  
:  
BARRY F. BOYER :  
:

**ORDER**

AND NOW, this 13<sup>th</sup> 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 2:30 P.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

JAN 13 2004

PAUL J. AMMERMAN  
President Judge

**U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

See Reverse for Instructions
------------------------------

PS Form 3800, June 2002

2008 E 6582 0000 05TE 2002

onwealth vs. Randy S. Wilson  
1987-CD – Joseph Amendola, Esquire

nwealth vs. David Ardell Mulhollem  
-825-CD –F. Cortez Bell, III, Esquire

nwealth vs. David Brian Wright  
35-CD – Chris A. Pentz, Esquire

10:30 –Commonwealth vs. Michael Charles Howe  
No. 03-1278-CD – Chris A. Pentz, Esquire  
and Commonwealth's Motion to Quash Appeal

10:30 -Commonwealth vs. Gloria J. Pewanick  
No. 03-1559-CD – Brian V. Manchester, Esquire  
and Commonwealth's Motion to Quash Appeal

1:30 –Commonwealth vs. Dennis D. Collar  
No. 03-1236-CD – Ronald L. Collins, Esquire  
and Commonwealth's Motion to Quash Appeal

1:30 -Commonwealth vs. Arthur L. Coder, III  
No. 03-1427-CD – Ronald L. Collins, Esquire  
and Commonwealth's Motion to Quash Appeal

2:00 - Commonwealth vs. Ronald M. Marshall  
No. 02-611-CD – Ronald L. Collins, Esquire

2:00 - Commonwealth vs. Ryan Eli Cornelius  
No. 03-1560-CD – Ronald L. Collins, Esquire

2:30 - Commonwealth vs. Patricia Lee Anderson  
No. 03-1616-CD – Ronald L. Collins, Esquire  
and Commonwealth's Motion to Quash Appeal

2:30 - Commonwealth vs. Barry F. Boyer  
No. 03-1813-CD – Pro Se

3:00 - Commonwealth vs. Cory Edward Rowles  
No. 04-46-CD – James A. Naddeo, Esquire

3:00 -Commonwealth vs. John Mencer  
No. 03-1261-CD – John R. Ryan, Esquire

Service of order  
by CIA  
1-14-03

03-1813-CJ

**FILED**

01/11/04  
JAN 14 2004

William A. Shaw  
Prothonotary/Clerk of Courts

03-1813-C0

License  
#  
03-1813-00  
G

03-25 B+ wcc  
JAN 20 2004 *ED*

William F. Boyer  
Postmaster

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Barry F. Boyer  
Post Office Box 43  
20 Apple Lane  
Lansdale, PA 16849

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Barry F. Boyer*  Agent  
 Addressee

B. Received by (Printed Name) *Barry F. Boyer* C. Date of Delivery *1-16-04*

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

*Transfer from service list*

7002 3150 0000 7859 3802

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

**SCHEDULE B-MARITAL LIABILITIES**

<b><u>MARITAL LIABILITY</u></b>	<b><u>HUSBAND</u></b>	<b><u>WIFE</u></b>
1. Household debts paid by Husband		
a. GPU	\$1,146.72	
b. NFG	1,286.37	
c. Adelphia Cable	431.27	
d. Bell Atlantic	452.07	
e. Superior Waste	258.75	
f. Adelphia Long Distance	26.32	
g. TLPOA dues	852.74	
h. Property taxes	871.53	
i. Tax preparation fees	420.00	
j. Income taxes paid for 2000	1,221.00	
k. Backhoe payments/Payoff	3,383.44	
l. Allstate Homeowners insurance	576.25	
2. Household debts paid by Wife		
a. NFG	295.70	
b. GPU	213.11	
c. Verizon	124.56	
d. Allstate Homeowners insurance	433.00	
3. Expense of House preparation		1,080.00
4. Expense of Lawn care		850.00
<b>TOTAL</b>	<b>\$10,926.46</b>	<b>2,996.37</b>
<b>TOTAL MARITAL LIABILITIES</b>	<b>\$13,922.83</b>	

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

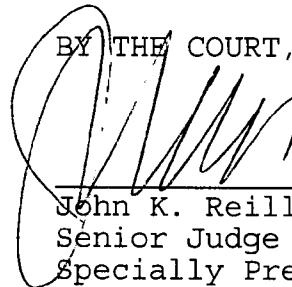
COMMONWEALTH OF PENNSYLVANIA : .

VS. : NO. 03-1813-CD

BARRY F. BOYER : 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; it is the ORDER of this Court that said appeal be and is hereby dismissed and the license suspension is affirmed.

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

FILED

FEB 24 2004

William A. Shaw  
Prothonotary