



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

JAMIE LYNN REID

vs.

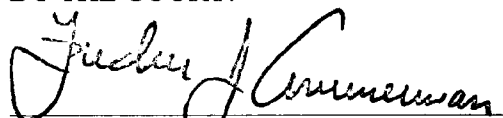
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:  
: No. 04-696-CD  
:

COMMONWEALTH OF PENNSYLVANIA :  
DEPARTMENT OF TRANSPORTATION :

**ORDER**

AND NOW, this 15<sup>th</sup> day of October, 2004, it is the ORDER of the Court that hearing on Plaintiff's License Suspension Appeal in the above matter has been scheduled for Wednesday, November 10, 2004 at 10:30 A.M. before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding, in the Clearfield County Courthouse, Clearfield, PA. Please report to the Court Administrator's Office. You will be directed from there where these hearing will be heard.

BY THE COURT:



FREDRIC J. AMMERMAN  
President Judge

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OCT 15 2004  
0/3:00/1m  
Prothonotary  
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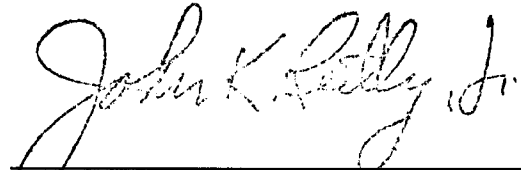
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	CIVIL DIVISION
	:	
vs.	:	License Suspension Appeal
	:	
JAMIE LYNN REID	:	NO. 04-696-CD

ORDER

**NOW**, this 10<sup>th</sup> day of November, 2004, following hearing into the above-captioned Appeal from license suspension, it is the Order of this Court that the Commonwealth supply the Court with appropriate case law within no more than two weeks from date hereof.

BY THE COURT:



THE HONORABLE JOHN K. REILLY, JR.  
Senior Judge, Specially Presiding

FILED <sup>EGK</sup>  
DEC 14 2004  
CLERK OF COURT  
William A Shaw  
Prothonotary/Clerk of Courts  
Copy to CIA  
Atty: Kuhns, Collins

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JAMIE LYNN REID

:

VS.

: NO. 04-696-CD

COMMONWEALTH OF PENNSYLVANIA,

:

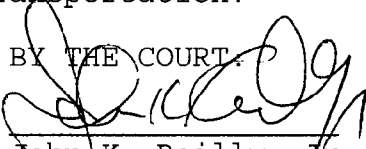
DEPARTMENT OF TRANSPORTATION

:

OPINION AND ORDER

This matter comes before the Court on the Appeal of Jamie Lynn Reid from the action of the Department of Transportation suspending his operator's license for a period of one (1) year on the basis that he refused to submit to a blood test to determine his blood-alcohol content. Although it appears that Appellant did permit the insertion of a needle for that purpose into his arm on one occasion, when the insertion proved unsuccessful, he refused to permit a second attempt and, therefore, claims that this was not, in fact, a refusal within the meaning of the Statute. Based on the Commonwealth Court decision in Winebarger v. Department of Transportation, Bureau of Driver Licensing, 655 A.2d 1093 (Pa. Cmwlth. 1995) and Brown v. Department of Transportation, 738 A.2d 71 (Pa. Cmwlth. 1999), this Court does herein dismiss the Appeal and sustains the decision of the Department of Transportation.

BY THE COURT

  
John K. Reilly, Jr.  
Senior Judge  
Specially Presiding

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01/30/01  
FEB 03 2005

William A. Shaw  
Prothonotary, Clerk of Courts

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

JAMIE LYNN REID,  
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION,  
Respondent

No. 04-696-CD

**PETITION FOR REVIEW**

Filed on behalf of:

JAMIE LYNN REID, PETITIONER

Counsel for this party:

RONALD L. COLLINS, ESQUIRE

Supreme Court No. 36744

**SOBEL & COLLINS**

Attorneys at Law

218 South Second Street

Clearfield, PA 16830

(814)765-5552

FAX (814)765-6210

**FILED**

**MAY 18 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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JAMIE LYNN REID,  
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No.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION,  
Respondent

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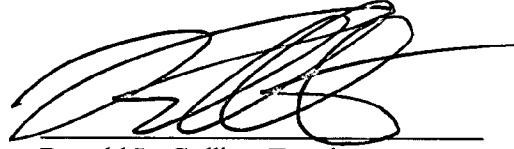
**PETITION FOR REVIEW**

AND NOW comes Petitioner, Jamie Lynn Reid, by and through Ronald L. Collins, Esquire,  
who Petitions your Honorable Court as follows:

1. That Petitioner is Jamie Lynn Reid, of 6933 Main Street, PO Box 41, Burnside, PA, 15721.
2. That Petitioner was born on December 19, 1980 and has a Drivers License No. 25664008.
3. That Respondent is the Commonwealth of Pennsylvania, Department of Transportation.
4. That by Official Notice dated April 20, 2004, a copy of which is hereinafter attached as Exhibit A, Respondent issued an eighteen (18) month suspension of Petitioner's license for an alleged Chemical Test Refusal pursuant to Section 1547 of the Vehicle Code, Chemical Test Refusal on February 27, 2004.
5. That Petitioner did not refuse said chemical test in that Petitioner did suffer his arm to be pierced for the withdrawal of a blood sample, but the phlebotomist was unable to successfully find a vein. The failure to obtain a sample was not through the fault of Petitioner.
6. That as a result Petitioner is not subject to a suspension.

WHEREFORE, Petitioner respectfully requests your Honorable Court to review the action of Respondent and direct them to rescind said suspension.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. Collins', written over a horizontal line.

Ronald L. Collins, Esquire

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: APRIL 20, 2004

JAMIE LYNN REID  
6933 MAIN ST  
P O BOX 41  
BURNSIDE PA 15721

WID # 041046111515734 001  
PROCESSING DATE 04/13/2004  
DRIVER LICENSE # 25664008  
DATE OF BIRTH 12/19/1980

LICENSE IN BUREAU

Dear MR. REID:

This is an **Official Notice of the Suspension** of your Driving Privilege as authorized by Section 1547B1II of the Pennsylvania Vehicle Code. As a result of your violation of Section 1547 of the Vehicle Code, **CHEMICAL TEST REFUSAL**, on 02/27/2004:

- Your driving privilege is **SUSPENDED** for a period of 18 MONTH(S) effective 05/19/2004 at 12:01 a.m.

This suspension is in addition to any other suspensions already on your record.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, APRIL 20, 2004, 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

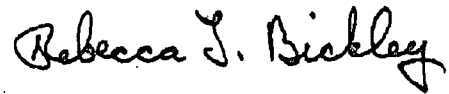
Remember, this is an **OFFICIAL NOTICE OF SUSPENSION**.





041046111515734

Sincerely,



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	<u>www.dmv.state.pa.us</u>		

No.

Jamie Lynn Reid,  
Petitioner

vs.

Commonwealth of Pennsylvania,  
Department of Transportation,  
Respondent

Petition for Review

FILED  
May 18 2004  
J. Collins

65-53287  
MAY 18 2004  
rd 85 cc

William A Shaw 1cc to C/A  
Prothonotary/Clerk of Courts: 3cc to Mr Collins

Ronald L. Collins, Esquire

**Sobel & Collins**  
ATTORNEYS & COUNSELORS AT LAW  
218 SOUTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-5552 (814) 765-6555

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218 South Second Street

Clearfield, PA 16830

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*Original  
to CA*

**FILED**

**MAY 18 2004**

William A. Shaw  
Prothonotary/Clerk of Courts