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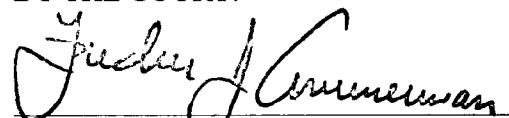
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

JAMIE LYNN REID :
:
vs. : No. 04-696-CD
:
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :

ORDER

AND NOW, this 15th 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

OCT 15 2004
63-071

PROT/PL/10/2004
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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 10th 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

REC'D 12/14/2004 EGR
CIVIL 35-3-21 1200
DEC 14 2004 Attn: Kuhns, Collins
Copy to CJA
William A. Shaw
Prothonotary/Clerk of Courts

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

JAMIE LYNN REID :

VS. : NO. 04-696-CD

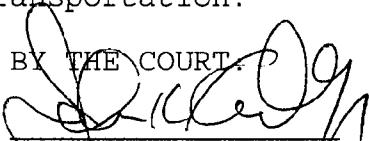
COMMONWEALTH OF PENNSYLVANIA, :

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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2CC
1/30/05/01 AMY'S COLLINS
FEB 03 2005 RUEA/C
M. A. S. D. W.
PROTHONOTARY, CLERK OF COURTS

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

JAMIE LYNN REID,
Petitioner

vs. : No. 04-696-CJ

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION,
Respondent

: **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
CIVIL DIVISION

JAMIE LYNN REID,
Petitioner

vs. : No.

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION,
Respondent

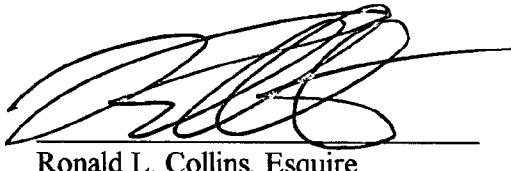
PETITION FOR REVIEW

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,



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.

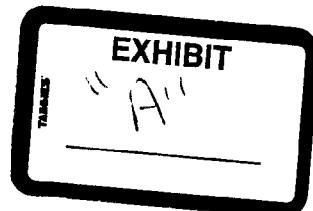
This suspension is in addition to any other suspensions already on your record.

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

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 *5/20/04*
MAY 18 2004 PA 87 CC
William A. Shaw *REC'D PROCLIA*
Prothonotary/Clerk of Courts, 3rd *to Atty Collins*
Atty Collins

Ronald L. Collins, Esquire

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

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

JAMIE LYNN REID,
Petitioner

vs.

No. 04-696-C

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

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

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*Original
CR*

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MAY 18 2004

William A. Shaw
Prothonotary/Clerk of Courts