

04-1954-CD
COMMONWEALTH OF PENNSYLVANIA vs. JAMES A. HASINGER

Comm of PA vs James Hassinger
2004-1954-CD

Date: 9/20/2006

Time: 10:51 AM

Page 1 of 1

Clearfield County Court of Common Pleas

User: LMILLER

ROA Report

Case: 2004-01954-CD

Current Judge: John K. Reilly Jr.

Commonwealth of Pennsylvania vs. James A. Hassinger

Civil Other

Date		Judge
12/9/2004 12/09/2004 →	Filing: License Suspension Appeal Paid by: Hassinger, Frank P. Receipt number: 1891907 Dated: 12/09/2004 Amount: \$85.00 (Cash) 2 cert. to Frank P. Hassinger.	No Judge
8/25/2005	Order AND NOW, this 25th day of August 2005, it is ORDER of the Court that hearing on Defendant's License Suspension Appeal in the above matter has bee scheduled for Friday, September 23, 2005 at 3:30 p.m. before the Honorable John K. Reilly Jr., Senior Judge, Specially Presiding. BY THE COURT: /s/ Fredric J. Ammerman, P. J. 2CC C/A.	John K. Reilly Jr.
8/29/2005	Certified Mail Receipt, filed. Copy of Order dated August 25, received by Defendant on 8/26/2005.	John K. Reilly Jr.
9/26/2005	Order, NOW, this 23rd day of Sept., 2005, this being the day and date set for hearing into the above-captioned Appeal from License Suspension; Ordered that request for continuance is granted and hearing continued until Defendant is released on Parole. By The Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Atty Kuhar, 1CC Def.	John K. Reilly Jr.
8/10/2006	Order AND NOW, this 9th day of August 2006, it is the ORDER of the Court that hearing on Defendant's License Suspension Appeal in the above matter has been scheduled for Tuesday, September 26, 2006 at 2:30 p.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 this hearing will be heard. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 2CC Atty Kuhar and 1CC deft @ 1682 Treasure Lake, DuBois, PA 15801	Fredric Joseph Ammerman

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

Civil Division

COMMONWEALTH OF PENNSYLVANIA :

: 2004-1954-CV

VS.

: No. CR 0000461-04

: *6 pg 6 m* - 40

: C/PX

JAMES A. HASSINGER

FILED

DEC 09 2004

09 10 15 AM

William A. Shaw
Prothonotary/Clerk of Courts

2 cent to F. Hassinger

MOTION TO APPEAL

AND NOW, come the appellant, James A. Hassinger, pro se and represents the following motion for appeal of Driving privilege suspension handed down by the Department of Motor Vehicle.

- 1.) The violation of probation which occurred as a direct result of said D.U.I. was brought before the Honorable Judge Fredric J. Ammerman on Oct. 4th 2004.
- 2.) This report has been brought to the courts by and though an officer of said courts Robert Kiel Probation officer.
- 3.) In said, report it is clearly stated that the arresting officer Dilollo did indeed take a "blood alcohol" content test and was awaiting the results to file formal charges for D.U.I.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

Civil Division

COMMONWEALTH OF PENNSYLVANIA :

: 2004-1954-C

VS. : No. CR-0000461-04

JAMES A. HASSINGER :

FILED

MOTION TO APPEAL

DEC 09 2004 10:55 AM

William A. Shaw

Prothonotary/Clerk of Courts

2 Clerk to F. Hussinger

AND NOW, come the appellant, James A. Hassinger, pro se and represents the following motion for appeal of Driving privilege suspension handed down by the Department of Motor Vehicle.

- 1.) The violation of probation which occurred as a direct result of said D.U.I was brought before the Honorable Judge Fredric J. Ammerman on Oct. 4th 2004.
- 2.) This report has been brought to the courts by and though an officer of said courts Robert Kiel Probation officer.
- 3.) In said, report it is clearly stated that the arresting officer Dilollo did indeed take a "blood alcohol" content test and was awaiting the results to file formal charges for D.U.I.

VERIFICATION

I, JAMES A. HASSINGER, do solemnly swear that the facts set forth in the enclosed pleading are true to the best of my belief, knowledge, and information. I make this statement with clear understanding that I subject myself to the full penalties of law as is set forth in 18 Pa. C.S.A., § 4904 relating to Unsworn Falsifications to Authorities.

REQUEST TO PROCEED IN FORMA PAUPERIS STATUS

I, JAMES A. HASSINGER, do not have any monies, savings, accounts, stocks, bonds, etc., nor do I have any property, real estate or otherwise. I do not own any dividends or annuities or inheritances. So, I am requesting that this Court allow me to proceed in the filing of the within MOTION FOR APPEAL in forma Pauperis Status. My indigent status has previously been determined by this Court as counsel has been appointed to represent me.

I am aware that any false statements made herein will subject me to the full penalties of the law as set forth in 18 Pa. C.S.A. § 4904, relating to Unsworn Falsifications to Authorities.

Date: December 7, 2004

Respectfully,
James A. HASSINGER

JAMES A. HASSINGER, pro se
115 Twenty-First Street
Clearfield, Pa. 16830

ARGUMENT

To sustain driver's license suspension for failure to submit to chemical testing Department of Transportation need only prove that driver: (1) was arrested for driving under the influence; (2) was requested to submit to chemical testing; (3) was informed that refusal to undergo testing would result in ~~suspension~~ suspension of operating privileges; and (4) refused to submit to test; thereafter, burden shifts to driver to prove incapacity to make knowing and conscious refusal to take test. *Keenan v. Commonwealth Department of Transportation, Bureau of Driver Licensing*, 657 A.2d. 134 (1995)

In the case at bar, the appellant submit to a chemical test and is awaiting the result. The Department of Motor Vehicle made a error in suspending the appellant license without having the results from the test. Section 1550 of title 75 Pa. C.S.A., provide that any person whose license is suspended shall have the right to appeal, and the court shall set the matter for a hearing, entitled license whose driver's license was taken away, to a de novo hearing on the merits of the suspension. *Liebler v. Commonwealth, Department of Transportation Bureau of Traffic Safety*, 476 A.2d. 1389 (1984). The appellant never received a hearing and is requesting to have a hearing and evidentiary hearing for the appeal.

This section giving a person whose license is suspend a right to appeal, and a right to a hearing, is mandatory. *Liebler* (supra). On this appeal in driver's license suspension case, all conflicts in evidence must be resolved in prevailing party ~~by~~ submitting proof of tangible evidence. *Stump v. Commonwealth Department of Transportation Bureau of Driver Licensing*, 664 A.2d. 1102 (1995)

CONCLUSION

For the foregoing reasons, the defendant counsel respectfully requests that this Honorable Court grant the defendant/Appellant motion or the provide the Appellant a "probationary license" and hold a hearing on the matter at bar.

Respectfully Submitted,

James A. Hassinger

JAMES A. HASSINGER, pro se
115 TWENTY-FIRST ST.
Clearfield, Penna. 16830

DATE: December, 7, 2004

(CONTINUATION)

allergen becomes entrenched in memory. It is not
normal for allergens to become entrenched in memory with such
short time. "Normal immunotherapy" is a breakthrough with
regards to getting out of memory and in
order to return out of memory is

Anti-IgE (Omalizumab)

reduces it rapidly

very significantly. A recent

study suggests that

decreases memory (Hart et al.)

DATE: December 1

VIOLATION REPORT

NAME: James Hassinger ARD: PROBATION: X PAROLE: DATE: 9-28-04
Revised 10-1-04
FILE NO.: 13509

TYPE OF HEARING: DETENTION: REVOCATION: X

ORIGINAL CHARGE(S): 1) Prohibited Offensive Weapons (M1), Disorderly Conduct (M3)
2) Unauthorized use of Automobile (M2)

SENTENCE: 1) 5 years Probation, 9 months C.C.J.
2) 2 years Probation consecutive to above

INDICTMENT NUMBER: 1) 03-1097-CRA
2) 03-1030-CRA

SENTENCING JUDGE: The Honorable Judge Fredric J. Ammerman

EFFECTIVE DATE OF SENTENCE: 1) 3-22-04 2) 3-22-09
MAXIMUM EXPIRES: 1) 3-22-09 2) 3-22-11

VIOLATIONS SPECIFIED: It is alleged that Probationer violated condition #13 of his Probation Order by failing to refrain from the use of alcoholic beverages.

SUPPORTING EVIDENCE: At 12:30 a.m., on 9-21-04, DuBois City Police received a call from a person whom earlier was in a minor traffic accident with Probationer. During the exchange of vehicle information the caller believed that Probationer had been consuming alcohol. A description of the vehicle was obtained and was later spotted by Officer Dilullo in the Sheetz parking lot located on Brady St. in DuBois.

When the Officer approached the vehicle he found that Probationer was located behind the wheel and in the process of attempting to sell a television and stereo equipment. During the questioning of Probationer the Officer found him to be in an intoxicated state.

Officer Dilullo contacted on-call Officer Gillespie, apprised him of the situation and informed him he would be filing charges of D.U.I. (M1). Officer Gillespie had him detained by the Officer and he was transported to the Clearfield County Jail where he was placed on a Permanent Order to Detain. As the date of this report charges are pending as DuBois Police await B.A.C. results

When this Officer spoke with Probationer he admitted to consuming Alcohol on the night in question.

DIRECTOR: DONALD J. MCCLUSICK

ROBERT C. KIEL
PROBATION OFFICER: ROBERT KIEL

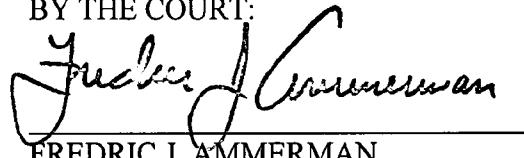
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
vs. : No. 04-1954-CD
: :
JAMES A. HASSINGER

ORDER

AND NOW, this 25th day of August, 2005, it is the ORDER of the Court that hearing on Defendant's License Suspension Appeal in the above matter has been scheduled for Friday, September 23, 2005 at 3:30 P.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 this hearing will be heard.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

FILED

012:00 LM 2005 C/A
AUG 25 2005 LM

William A. Shaw
Prothonotary

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 		<p>A. Signature <i>X J.P. Hassinger</i></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>8/26</i></p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <i>Mr. James A. Hassinger</i></p> <p><input type="checkbox"/> No</p> <p>1. Article Addressed to: Mr. James A. Hassinger 1682 Treasure Lake DuBois, PA 15801</p> <p>FILED <i>8/26/05</i> AUG 29 2005</p> <p>2. Article Number (Transfer from service label) <i>No. 04-1954-05</i> 7004 2510 0007 6100 0241</p> <p>3. Service Type William A. Shaw Prothonotary/Clerk of Court <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

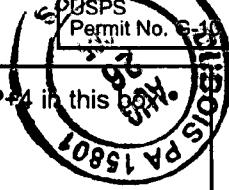
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. 6-11

• Sender: Please print your name, address, and ZIP+4 in this box.

Office of Court Administrator
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830



MK/lie/Su

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

COMMONWEALTH OF PENNSYLVANIA :
:
vs. : No. 04-1954-CD
:
JAMES A. HASSINGER

ORDER

AND NOW, this 25th day of August, 2005, it is the ORDER of the Court that hearing on Defendant's License Suspension Appeal in the above matter has been scheduled for Friday, September 23, 2005 at 3:30 P.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 this hearing will be heard.

BY THE COURT:

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

FILED
0 11:20 GK

AUG 31 2005

(b)

William A. Shaw
Prothonotary

FILED By MLK | DEP, COURT ADM.

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

AUG 25 2005

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA : :

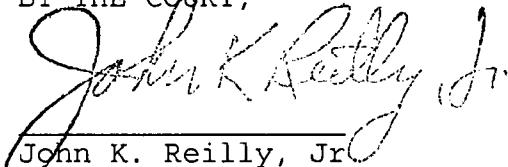
VS. : NO. 04-1954-CD

JAMES A. HASSINGER : License Suspension Appeal

O R D E R

NOW, this 23rd day of September, 2005, this being the day and date set for hearing into the above-captioned Appeal from License Suspension; the Defendant having requested a continuance on the basis of his being incarcerated at a state correctional institution, it is the ORDER of this Court that said request shall be and is hereby granted and hearing continued until Defendant is released on Parole.

BY THE COURT,



John K. Reilly, Jr.
Senior Judge
Specially Presiding

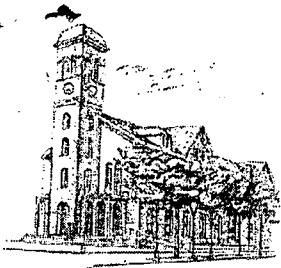
FILED

09/28/05 acc Amy Kuhar
SEP 26 2005 ICC Def-
GE 1531

William A. Shaw SCI-Camp Hill
Prothonotary/Clerk of Courts
and

1682 Treasure Lake
DuBois, PA 15801

(61)



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

COMMONWEALTH OF PENNSYLVANIA :
:
vs. : No. 04-1954-CD
:
JAMES A. HASSINGER

ORDER

AND NOW, this 9 day of August, 2006, it is the ORDER of the Court that hearing on Defendant's License Suspension Appeal in the above matter has been scheduled for Tuesday, September 26, 2006 at 2:30 P.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 this hearing will be heard.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED *acc Atty Kuhar*
010-28701
AUG 10 2006 *acc Def-*
WM *16837 Treasure Lake*
William A. Shaw
Prothonotary/Clerk of Courts *DuBois, PA 15801*

FILED

AUG 10 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/10/06

You are responsible for serving all correspondence sent to:

The Prothonotary's Office and all other offices in the County of Orange
 Plaintiff(s) Plaintiff(s) Attorney
 Defendant(s) Defendant(s) Attorney

Special Instructions:

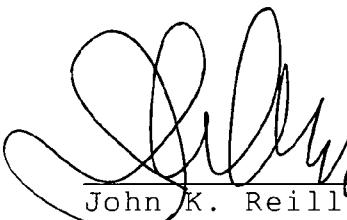
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA *
DEPARTMENT OF TRANSPORTATION *
vs. *
JAMES A. HASSINGER * NO. 04-1954-CD

ORDER OF COURT

NOW, this 26th day of September, 2006,
following hearing into the above-captioned appeal from
suspension of license, IT IS THE ORDER OF THIS COURT that
said appeal be and is hereby dismissed and the action of
the Department affirmed.

BY THE COURT:



John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED 1cc Atty Kuhar
09/06/06
SEP 28 2006 1cc Def.-
1682 Treasure
William A. Shaw Lake
Prothonotary/Clerk of Courts DeBois, PA
15801
60

DATE: 9/28/06

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

SEP 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATION



DATE: June 2, 2005

I hereby certify that Rebecca L. Bickley, Director of the Bureau of Driver Licensing of the Pennsylvania Department of Transportation, is the legal custodian of the Driver License records of the Pennsylvania Department of Transportation. As the Director of the aforesaid Bureau, she has legal custody of the original or microfilm records which are reproduced in the attached certification.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF THIS DEPARTMENT THE DAY AND YEAR AFORESAID.

ALLEN D. BIEHLER, SECRETARY OF TRANSPORTATION

I HEREBY CERTIFY THAT THE FOREGOING AND ANNEXED IS A FULL, TRUE AND CORRECT CERTIFIED PHOTOSTATIC COPY OF:

1) Official Notice of suspension dated & mailed 11/16/04, effective 12/21/04; 2) Report of Refusal to submit to Chemical Testing dated 09/22/04, seal attached to original; 3) Official Notice of suspension dated & mailed 11/01/01, effective 12/06/01; 4) Report of the Clerk of Courts of WESTMORELAND County, convicted 10/20/01, seal attached to original, and 5) Driving Record, which appears in the file of the defendant JAMES ANDREW HASSINGER, operator's no. 20894574, date of birth 11/16/65, in the Bureau of Driver Licensing, Harrisburg, Pennsylvania.

Commonwealth's
EXHIBIT

2
esn 9-26-06

CERTIFIED TO as prescribed by Sections 6103 and 6109 of the Judicial Code, Act of July 9, 1976, P.L. 586, as amended, 42 Pa.C.S. §§6103 and 6109.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THE DAY AND YEAR AFORESAID.

SEAL

REBECCA L. BICKLEY, DIRECTOR
BUREAU OF DRIVER LICENSING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: NOVEMBER 16, 2004

JAMES ANDREW HASSINGER
1682 TREASURE LAKE
DU BOIS PA 15801

WID # 043146194392887 001
PROCESSING DATE 11/09/2004
DRIVER LICENSE # 20894574
DATE OF BIRTH 11/16/1965

Dear MR. HASSINGER:

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 09/22/2004:

Your driving privilege is **SUSPENDED for a period of 18 MONTH(S) effective 12/21/2004 at 12:01 a.m.**

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 12/21/2004. You may surrender these items before, 12/21/2004, 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.

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 16, 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**. You must return all current Pennsylvania driver license products to PennDOT by 12/21/2004.

043146194392887

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>		

DL-26 (12-03) CHEMICAL TESTING WARNINGS AND REPORT OF REFUSAL TO SUBMIT
TO CHEMICAL TESTING AS AUTHORIZED BY SECTION 3802 OF THE
VEHICLE CODE IN VIOLATION SECTION 3802
(relating to driving under the influence of Alcohol or Controlled Substance)

NAME			SEX	DATE OF BIRTH		
FIRST	MIDDLE	LAST	M	MONTH	DAY	YEAR
JAMES ANDREW HAISINGER			11 16 65			
ADDRESS: A.P.O. Box number may be used in addition to the actual residence address, but cannot be used as the only address			CITY		STATE	ZIP CODE
1682 TREASURE LAKE			DUBOIS		PA	15801
DRIVER NUMBER	STATE	CHIM TEST REQUEST DATE			SOCIAL SECURITY NUMBER	
20894 574	PA	MONTH	DAY	YEAR		

SECTION 1547 - CHEMICAL TESTING WARNINGS

1. Please be advised that you are under arrest for driving under the influence of alcohol or controlled substance in violation of Section 3802 of the Vehicle Code.
2. I am requesting that you submit to a chemical test of BLOOD (blood) breath or urine. Officer chooses the chemical test).
3. It is my duty as a police officer to inform you that if you refuse to submit to the chemical test, your operating privilege will be suspended for at least one year. In addition, if you refuse to submit to the chemical test, and you are convicted of, plead to, or adjudicated delinquent with respect to violating Section 3802(a) of the Vehicle Code, because of your refusal, you will be subject to the more severe penalties set forth in Section 3804(c) of the Vehicle Code, which include a minimum of 72 hours in jail and a minimum fine of \$1,000.00.
4. It is also my duty as a police officer to inform you that you have no right to speak with an attorney or anyone else before deciding whether to submit to testing and any request to speak with an attorney or anyone else after being provided these warnings or remaining silent when asked to submit to chemical testing will constitute a refusal, resulting in the suspension of your operating privilege and other enhanced criminal sanctions if you are convicted of violating Section 3802(a) of the Vehicle Code.

I certify that I have READ the above warning to the motorist regarding the suspension of their operating privilege and gave the motorist an opportunity to submit to chemical testing.

Signature of Officer: Officer Dustin R. Roy

Date: 09/22/04

I have been advised of the above.

Signature of Motorist: Officer Dustin R. Roy

Date: 09/22/04

Motorist refused to sign, after being advised.

Signature of Officer: Officer Dustin R. Roy

Date: 09/22/04

AFFIDAVIT

1. The above motorist was placed under arrest for driving under the influence of alcohol or a controlled substance in violation of Section 3802 of the Vehicle Code, and there were reasonable grounds to believe that the above motorist had been driving, operating or in actual physical control of the movement of a motor vehicle while under the influence of alcohol or a controlled substance or both

or

That the above named motorist was involved in an accident in which the operator or passenger of any vehicle involved or a pedestrian required treatment at a medical facility or was killed

2. The above motorist was requested to submit to chemical testing as authorized by Section 1547 of the Vehicle Code.

3. The above motorist was read by a police officer the chemical test warnings contained in paragraph 3 and 4 above

4. The above named motorist refused to submit to chemical testing after having been read the above warnings

OFFICER NOTE: The refusal to sign this form is not a refusal to submit to the chemical test. You must still give the motorist an opportunity to take the chemical test after reviewing this form. If the individual was operating a commercial motor vehicle while having any alcohol or a controlled substance in their system, you must also complete the reverse side of this form. I certify that all information given in this form is true and correct.

Officer Signature Officer Dustin R. Roy

Officer Name Officer Dustin R. Roy (Type or Print)

Badge Number 312 Jurisdiction CITY OF DUBOIS

Mailing Address 16 W. SCRIBNER AVE. DUBOIS, PA 15801

Phone (814) 371-2324

PLEASE LIST NAME, BADGE NUMBER, AND PHONE NUMBER OF ARRESTING OFFICER IF NOT THE SAME OFFICER WHO WITNESSED THE REFUSAL:

Forward to
Department of Transportation
Bureau of Driver Licensing
P.O. Box 60037
Harrisburg, PA 17106-0037

Note: Any pertinent facts not covered by the affidavit should be submitted on a separate sheet and attached hereto. That sheet should include the names of additional witnesses necessary to prove the elements to which you have attested.

THIS FORM MAY BE DUPLICATED

ADDITIONAL SUPPLIES OF THIS FORM MAY BE SECURED BY COMPLETING FORM OS-511A

#2

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: NOVEMBER 01, 2001

JAMES ANDREW HASSINGER
402 GOOD ST.
JEANNETTE PA 15644

WID # 012986112966711 001
PROCESSING DATE 10/25/2001
DRIVER LICENSE # 20894574
DATE OF BIRTH 11/16/1965

Dear MR. HASSINGER:

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 10/02/2001 conviction of violating Section 3731 of the Vehicle Code DRIVING UNDER INFLUENCE on 03/17/2001:

- Your driving privilege is SUSPENDED for a period of 1 YEAR(S) effective 12/06/2001 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.

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 12/06/2001. You may surrender these items before, 12/06/2001, 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

#3

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.

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, NOVEMBER 01, 2001, 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 12/06/2001.

Sincerely,

Rebecca J. Bickley

Rebecca L. Bickley, Director
Bureau of Driver Licensing

012986112966711

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		

01298 6112 966711

01-12-00



**REPORT OF THE CLERK OF COURTS
SHOWING THE CONVICTION OR
ACQUITTAL OF ANY VIOLATION
OF THE VEHICLE CODE**

SUMMARY APPEAL
 AMENDED REPORT
 DEFENDANT REQUESTS ADDRESS CHANGE

Under Section 8323 of the Vehicle Code, it is mandatory that the Clerk of Courts report all violations of the Vehicle Code.

A			DEFENDANT INFORMATION (TYPE OR PRINT CLEARLY)					
NAME FIRST MIDDLE LAST			SEX	DATE OF BIRTH MONTH DAY YEAR				
HASSINGER JAMES A			M	11	16	1965		
ADDRESS: (PO Box Number may be used in addition to the actual address, but cannot be used as the only address) 402 GOOD ST								
CITY JEANNETTE			STATE PA	ZIP CODE 15644-0000	SOCIAL SECURITY NUMBER 2 0 7 4 6 7 2 3 4			
DRIVER NUMBER 20894574	STATE PA	LICENSE PLATE NUMBER DA004D	YEAR	STATE PA	Offenses Occurred While Driving/Transporting <input type="checkbox"/> Commercial Vehicle <input type="checkbox"/> Hazardous Material			
B VIOLATION INFORMATION								
THE VEHICLE CODE as amended.	Act of June 17, 1976 P.L. 162 SECTION IVC3731			SUBSECTION A1*, A4	CLAUSE			
DATE OF VIOLATION MONTH 3 DAY 17 YEAR 2001		DATE OF CONVICTION MONTH 10 DAY 2 YEAR 2001			DATE OF ACQUITTAL/NO PROSECUTION MONTH DAY YEAR			
CHARGE If speed violation, enter traveling speed and legal speed. DRIVING UNDER THE INFLUENCE OF ALCOHOL		VIOLATION COMMITTED (Check One) <input type="checkbox"/> Felony <input type="checkbox"/> Summary <input checked="" type="checkbox"/> Misdemeanor			DATE LICENSED OR ACKNOWLEDGMENT SURRENDERED TO COURT OR DISTRICT ATTORNEY MONTH DAY YEAR			
C SUMMARY APPEAL RESULTS								
THE VEHICLE CODE Act of June 17, 1976 P.L. 162 as amended.								
Original Charge Section, Subsection, Clause		Date of Violation			Amended Charge			
Charge Speed Traveled/Speed Limit		Citation Number			Section, Subsection, Clause Charge			
Date of Conviction		Date of Acquittal			Date of Conviction Speed Traveled/Speed Limit			
D COURT INFORMATION								
COURT OF COMMON PLEAS NUMBER 02135 OTN H1053430		COUNTY OF WESTMORELAND YEAR 2001						
E SIGNATURE AND DATE CERTIFIED								
THE UNDERSIGNED CERTIFIES THAT THE FOREGOING IS A CERTIFIED RECORD OF A CONVICTION OR ACQUITTAL/NO PROSECUTION								
SEAL 								
10/04/2001 Date Certified								
Clerk of Courts								
F ACT 122 TREATMENT REQUIRED (check one) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO								
G ACT 63 IGNITION INTERLOCK REQUIRED (check one) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO								
H ACT 151 SENTENCE (check one) Defendant Sentenced to Prison <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Time Served								

SEE BACK OF THIS FORM FOR INSTRUCTIONS

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
BUREAU OF DRIVER LICENSING
CERTIFIED DRIVING HISTORY
DEC 20 2004

DRIVER: JAMES ANDREW HASSINGER
1682 TREASURE LAKE
DU BOIS, PA 15801

DRIVER LICENSE NO : 20894574
DATE OF BIRTH : NOV 16 1965
SEX : MALE
RECORD TYPE : REG LIC/ID

DRIVER LICENSE (DL)

LICENSE CLASS : C
LICENSE ISSUE DATE: DEC 12 2003
LICENSE EXPIRES : NOV 17 2007
ORIG ISSUE DATE : MAR 11 1982
MED RESTRICTIONS : NONE
LEARNER PERMITS :
LICENSE STATUS : VALID

COMMERCIAL DRIVER LICENSE (CDL)

CDL LICENSE CLASS :
CDL LICENSE ISSUED :
CDL LICENSE EXPIRES:
CDL ENDORSEMENTS : NONE
CDL RESTRICTIONS : NONE
CDL LEARNER PERMITS:
CDL LICENSE STATUS :

SB ENDORSEMENT :

PROBATIONARY LICENSE (PL)

PL LICENSE CLASS :
PL LICENSE ORIG ISS:
PL LICENSE ISSUED :
PL LICENSE EXPIRES :
PL LICENSE STATUS :

OCCUPATIONAL LIMITED LICENSE (OLL)

OLL LICENSE CLASS :
OLL LICENSE ISSUED :
OLL LICENSE EXPIRES:
OLL LICENSE STATUS :

*** CONTINUED ***

H5

REPORT OF VIOLATIONS AND DEPARTMENTAL ACTIONS

VIOLATION DATE: OCT 03 1984
VIOLATION: VEHICLE CODE: 3362
DESCRIPTION: EXCEEDING MAXIMUM SPEED
045 MPH IN A 035 MPH ZONE
CONVICTION DATE: OCT 15 1984
ACTION: ASSIGNED POINTS

VIOLATION DATE: SEP 09 1986
VIOLATION: VEHICLE CODE: 3362
DESCRIPTION: EXCEEDING MAXIMUM SPEED
065 MPH IN A 045 MPH ZONE
CONVICTION DATE: SEP 17 1986
ACTION: ASSIGNED POINTS

VIOLATION DATE: JUL 11 1995
VIOLATION: VEHICLE CODE: 1547
DESCRIPTION: CHEMICAL TEST REFUSAL
ACTION: SUSPENSION FOR 1 YEAR(S) EFFECTIVE AUG 22 1995
OFFICIAL NOTICE MAILED JUL 25 1995

VIOLATION DATE: JUN 25 1995
VIOLATION: VEHICLE CODE: 3361
DESCRIPTION: TOO FAST FOR CONDITIONS
CONVICTION DATE: JUL 18 1995
ACTION: SUSPENSION FOR 10 DAY(S) EFFECTIVE AUG 22 1996
OFFICIAL NOTICE MAILED AUG 18 1995

*** CONTINUED ***

CERTIFIED DRIVING HISTORY - DEC 20 2004 - LICENSE NUMBER 20894574 CONTINUED.

VIOLATION DATE: APR 02 1995
VIOLATION: VEHICLE CODE: 3731 MAJOR VIOLATION
DESCRIPTION: DRIVING UNDER INFLUENCE
CONVICTION DATE: SEP 25 1995
ACTION: SUSPENSION FOR 1 YEAR(S) EFFECTIVE SEP 01 1996
OFFICIAL NOTICE MAILED NOV 18 1995

VIOLATION DATE: JUL 11 1995
VIOLATION: VEHICLE CODE: 3731 MAJOR VIOLATION
DESCRIPTION: DRIVING UNDER INFLUENCE
CONVICTION DATE: SEP 25 1995
ACTION: SUSPENSION FOR 1 YEAR(S) EFFECTIVE SEP 01 1997
OFFICIAL NOTICE MAILED NOV 29 1995

ACTION: RESTORATION OF OPERATING PRIVILEGES SEP 17 1998

VIOLATION DATE: MAR 17 2001
VIOLATION: VEHICLE CODE: 3731 MAJOR VIOLATION
DESCRIPTION: DRIVING UNDER INFLUENCE
CONVICTION DATE: OCT 02 2001
ACTION: SUSPENSION FOR 1 YEAR(S) EFFECTIVE NOV 05 2001
OFFICIAL NOTICE MAILED NOV 01 2001

ACTION: RESTORATION OF OPERATING PRIVILEGES NOV 18 2003

VIOLATION DATE: SEP 22 2004
VIOLATION: VEHICLE CODE: 1547
DESCRIPTION: CHEMICAL TEST REFUSAL
ACTION: SUSPENSION FOR 18 MONTH(S) EFFECTIVE DEC 21 2004
OFFICIAL NOTICE MAILED NOV 16 2004

ACTION: PRIVILEGE RESTORED PENDING APPEAL DEC 09 2004

*** CONTINUED ***

REPORT OF MEDICALS AND DEPARTMENTAL ACTIONS

NO MEDICALS OR DEPARTMENTAL ACTIONS DURING THIS REPORTING PERIOD

REPORT OF ACCIDENTS AND DEPARTMENTAL ACTIONS

MOTOR VEHICLE ACCIDENT RECORDS LISTED ON THIS OPERATING REPORT DO NOT INDICATE FAULT FOR THE ACCIDENT. THE RECORD ONLY INDICATES THAT THIS INDIVIDUAL OR THE INDIVIDUAL'S VEHICLE WAS INVOLVED IN AN ACCIDENT ON THE DATE LISTED.

ACCIDENT DATE: AUG 17 1985
LOCATION: WESTMORELAND
VEHICLE TYPE: PASSENGER

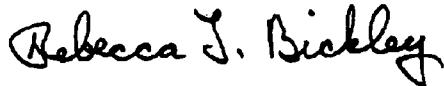
ACCIDENT DATE: MAR 17 2001
LOCATION: WESTMORELAND
VEHICLE TYPE: PASSENGER

*** END OF RECORD ***

CERTIFIED DRIVING HISTORY - DEC 20 2004 - LICENSE NUMBER 20894574 CONTINUED

IN COMPLIANCE WITH YOUR REQUEST, I HEREBY CERTIFY THAT I HAVE CAUSED A SEARCH TO BE MADE OF THE FILES OF THE DEPARTMENT OF TRANSPORTATION, AND HAVE SET FORTH ABOVE AN ACCURATE SUMMARY OF ALL RECORDS IN THE NAME OF THE PERSON INDICATED.

SINCERELY,



SEAL

DIRECTOR, BUREAU OF DRIVER LICENSING
FOR
SECRETARY OF TRANSPORTATION

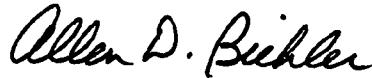
COMMONWEALTH OF PENNSYLVANIA SS:

DATE: DEC 20 2004

I HEREBY CERTIFY THAT REBECCA L. BICKLEY, DIRECTOR OF THE BUREAU OF DRIVER LICENSING, OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION IS THE LEGAL CUSTODIAN OF THE DRIVER LICENSING RECORDS OF THE DEPARTMENT OF TRANSPORTATION. AS THE DIRECTOR OF THE AFORESAID BUREAU, SHE HAS LEGAL CUSTODY OF THE ORIGINAL OR MICROFILM RECORDS WHICH ARE THE SUBJECT OF THE ABOVE CERTIFICATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF THIS DEPARTMENT THE DAY AND YEAR AFORESAID.

SINCERELY,



SECRETARY OF TRANSPORTATION

SEAL

DL-20 (12-03) **CHEMICAL TESTING WARNINGS AND REPORT OF REFUSAL TO SUBMIT TO CHEMICAL TESTING AS AUTHORIZED BY SECTION 3802 OF THE VEHICLE CODE IN VIOLATION SECTION 3802**
 (relating to driving under the influence of Alcohol or Controlled Substance)

NAME			SEX	DATE OF BIRTH		
FIRST JAMES	MIDDLE ANDREW	LAST HAISINGER	M	MONTH 11	DAY 16	YEAR 65
ADDRESS: A P.O. Box number may be used in addition to the actual residence address, but cannot be used as the only address.			CITY DUBOIS		STATE PA	ZIP CODE 15801
DRIVER NUMBER 20894574	STATE PA	CHEM TEST REQUEST DATE MONTH 09			SOCIAL SECURITY NUMBER	
		DAY 22	YEAR 04			

SECTION 1547 - CHEMICAL TESTING WARNINGS

1. Please be advised that you are under arrest for driving under the influence of alcohol or controlled substance in violation of Section 3802 of the Vehicle Code.
2. I am requesting that you submit to a chemical test of **BLOOD** (blood, breath or urine. Officer chooses the chemical test).
3. It is my duty as a police officer to inform you that if you refuse to submit to the chemical test, your operating privilege will be suspended for at least one year. In addition, if you refuse to submit to the chemical test, and you are convicted of, plead to, or adjudicated delinquent with respect to violating Section 3802(a) of the Vehicle Code, because of your refusal, you will be subject to the more severe penalties set forth in Section 3804(c) of the Vehicle Code, which include a minimum of 72 hours in jail and a minimum fine of \$1,000.00
4. It is also my duty as a police officer to inform you that you have no right to speak with an attorney or anyone else before deciding whether to submit to testing and any request to speak with an attorney or anyone else after being provided these warnings or remaining silent when asked to submit to chemical testing will constitute a refusal, resulting in the suspension of your operating privilege and other enhanced criminal sanctions if you are convicted of violating Section 3802(a) of the Vehicle Code.

I certify that I have READ the above warning to the motorist regarding the suspension of their operating privilege and gave the motorist an opportunity to submit to chemical testing.

Signature of Officer: Off. Dustin R. Ray

Date: 09/22/04

I have been advised of the above.

Signature of Motorist: _____

Date: _____

Motorist refused to sign, after being advised.

Signature of Officer: Off. Dustin R. Ray

Date: 09/22/04

AFFIDAVIT

1. The above motorist was placed under arrest for driving under the influence of alcohol or a controlled substance in violation of Section 3802 of the Vehicle Code, and there were reasonable grounds to believe that the above motorist had been driving, operating or in actual physical control of the movement of a motor vehicle while under the influence of alcohol or a controlled substance or both
or
That the above named motorist was involved in an accident in which the operator or passenger of any vehicle involved or a pedestrian required treatment at a medical facility or was killed
2. The above motorist was requested to submit to chemical testing as authorized by Section 1547 of the Vehicle Code.
3. The above motorist was read by a police officer the chemical test warnings contained in paragraph 3 and 4 above
4. The above named motorist refused to submit to chemical testing after having been read the above warnings

OFFICER NOTE: The refusal to sign this form is not a refusal to submit to the chemical test. You must still give the motorist an opportunity to take the chemical test after reviewing this form. If the individual was operating a commercial motor vehicle while having any alcohol or a controlled substance in their system, you must also complete the reverse side of this form. I certify that all information given in this form is true and correct.

Officer Signature: Off. Dustin R. Ray

Officer Name: Off. Dustin R. Ray

(Type or Print)

Badge Number 312 Jurisdiction CITY OF DUBOIS

Mailing Address 16 W. SCRIBNER AVE. DUBOIS, PA 15801

Phone (814) 371-2324

PLEASE LIST NAME, BADGE NUMBER, AND PHONE NUMBER OF ARRESTING OFFICER IF NOT THE SAME OFFICER WHO WITNESSED THE REFUSAL:

Forward to
Department of Transportation
Bureau of Driver Licensing
P.O. Box 60037
Harrisburg, PA 17108-0037

Note: Any pertinent facts not covered by the affidavit should be submitted on a separate sheet and attached hereto. That sheet should include the names of additional witnesses necessary to prove the elements to which you have attested.

THIS FORM MAY BE DUPLICATED

ADDITIONAL SUPPLIES OF THIS FORM MAY BE SECURED BY COMPLETING FORM OS-511A

Commonwealth's
EXHIBIT

112

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ew

9-26-06

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

COMMONWEALTH OF PENNSYLVANIA :
:
vs. : No. 04-1954-CD
:
JAMES A. HASSINGER

ORDER

AND NOW, this 25 day of August, 2005, it is the ORDER of the Court that hearing on Defendant's License Suspension Appeal in the above matter has been scheduled for Friday, September 23, 2005 at 3:30 P.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 this hearing will be heard.

BY THE COURT:

FREDRIC J. AMMERMAN
President Judge