

05-917-CD
Casey Michael Maines vs Comm

Casey Maines v. Com. of Pennsylvania
2005-917-CD

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

CASEY MICHAEL MAINES,
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

No. 05-917-CD

PETITION FOR REVIEW

Filed on behalf of:
Casey Michael Maines

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 4cc
JUN 27 2005
William A. Shaw
Prothonotary/Clerk of Courts
Atty pd. 85.00
Atty & Collins

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9/10:00 AM
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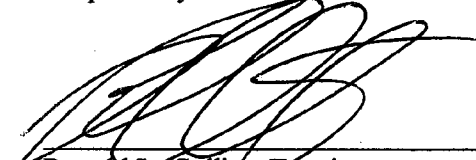
PETITION FOR REVIEW

AND NOW comes Petitioner, Casey Michael Maines, by and through Ronald L. Collins, Esquire, who Petitions your Honorable Court as follows:

1. That Petitioner is Casey Micheal Maines, of 24 Maines Lane, Clearfield, Pennsylvania, 16830.
2. That Petitioner's Driver License No. 28432568.
3. That Respondent is the Commonwealth of Pennsylvania, Department of Transportation.
4. That by Official Notice dated May 27, 2005, Respondent notified Petitioner that his operating privileges were being suspended for a period of ninety days (90) as the result of his conviction of the offense of Truancy under Section 1333 of the Public School Code on September 16, 2004. A copy of said Notice is hereinafter attached as Exhibit "A".
5. That Petitioner filed a Notice of Appeal of said Summary Convictions in Clearfield County which appeal is currently pending.
6. That is said Summary Convictions are vacated on appeal, Respondent will no longer have a basis upon which to suspend Petitioner's operating privileges for these offenses.

WHEREFORE, Petitioner respectfully requests your Honorable Court to review the actions of Respondent in suspending Petitioner's operating privileges based on the ultimate result of said appeal filed in Clearfield County.

Respectfully submitted,



Ronald L. Collins, Esquire

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
MAY 27, 2005

CASEY MICHAEL MAINES
24 MAINES LN
CLEARFIELD PA 16830

WID # 051406128088786 001
PROCESSING DATE 05/20/2005
DRIVER LICENSE # 28432568
DATE OF BIRTH 08/12/1988

Dear MR. MAINES:

On 05/12/2005 you were convicted of Truancy under Section 1333 of the Public School Code. As a result, your driving privilege (or your right to apply for a driver's license) is being suspended for 90 DAY(S) as required by Section 1338.1 of the Public School Code.

In order to comply with this sanction you are required to return any current driver's license, learner's permit and/or temporary driver's license (camera card) in your possession no later than the effective date listed. If you cannot comply with the requirements stated above, you are required to submit a DL16LC Form or a sworn affidavit stating that you are aware of the sanction against your driving privilege. Failure to comply with this notice shall result in this Bureau referring this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Vehicle Code.

Although the law mandates that your driving privilege is under suspension even if you do not surrender your license, **Credit** will not begin until all current driver's license product(s), the DL16LC Form, or a letter acknowledging your sanction is received in this Bureau.

WHEN THE DEPARTMENT RECEIVES YOUR LICENSE OR ACKNOWLEDGEMENT, WE WILL SEND YOU A RECEIPT. IF YOU DO NOT RECEIVE THIS RECEIPT WITHIN 15 DAYS CONTACT THE DEPARTMENT IMMEDIATELY. OTHERWISE, YOU WILL NOT BE GIVEN CREDIT TOWARD SERVING THIS SANCTION.

The effective date of suspension is 07/01/2005, 12:01 a.m.

Approximately 30 days before your driving privilege is eligible for restoration, provided credit has begun on your suspension, you will receive a letter that identifies the steps you must follow for restoration of your driving privilege. When you receive the letter, please read it care-

EXHIBIT

"A"

051406128088786

fully and follow all the instructions. This will ensure timely restoration of your driving privilege.

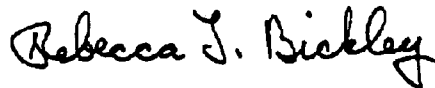
Please see the enclosed application for restoration fee information.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, MAY 27, 2005, 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

Sincerely,



Rebecca L. Bickley, Director
Bureau of Driver Licensing

SEND FEE/LICENSE/DL-16LC/TO:
Department of Transportation
Bureau of Driver Licensing
P.O. Box 68693
Harrisburg, PA 17106-8693

INFORMATION (7:00 AM TO 9:00 PM)
IN STATE 1-800-932-4600
OUT-OF-STATE 717-391-6190
TDD IN STATE 1-800-228-0676
TDD OUT-OF-STATE 717-391-6191

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: MAY 27, 2005

TO THE PARENT OR GUARDIAN OF
CASEY MICHAEL MAINES
24 MAINES LN

CLEARFIELD PA 16830

WID # 051406128088786 001
PROCESSING DATE 05/20/2005
DRIVER LICENSE # 28432568
DATE OF BIRTH 08/12/1988

Dear Parent or Guardian:

PennDOT is concerned about young driver safety. In light of this concern, we are notifying you of the following action on CASEY's record:

Description: TRUANCY VIOL
Violation Date: 09/16/2004
Sanction: SUSPENSION
Term: 90 DAY(S)
Effective Date: 07/01/2005

PennDOT has notified CASEY of this action. Please remember that you may withdraw your consent for your young driver's license until the age of 18.

Sadly, 16 year old and 17 year old drivers have by far the highest crash rate of any age group on Pennsylvania's highways. Please encourage your young driver to improve their driving performance in the future.

Sincerely,

Customer Service Team

No.

Casey Michael Maines,
Petitioner

vs.

Commonwealth of Pennsylvania,
Department of Transportation,

Petition for Review

FILED

JUN 27 2005

William A. Shaw
Prothonotary/Clerk of Courts

Seibel & Collins
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552 (814) 765-5555

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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CASEY MICHAEL MAINES,
Petitioner

vs.

No. 05-917-CD

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

CERTIFICATE OF SERVICE

Filed on behalf of:
Casey Michael Maines

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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FILED *no cc*
mjl:52301
JUL 07 2005 *JS*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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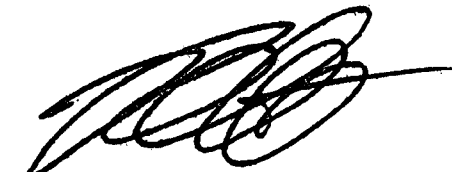
vs.

No. 05-917-CD

COMMONWEALTH OF PENNSYLVANIA
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Respondent

CERTIFICATE OF SERVICE

I, Ronald L. Collins, Esquire do hereby state that on the 28th day of June, 2005, I did forward a copy of the Petition for Review, filed to the above caption, and the same was served upon Commonwealth of Pennsylvania, Department of Transportation, Defendant, by Certified Mail, senders receipt attached hereto.


Ronald L. Collins, Esquire

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 Commonwealth of Pennsylvania Department of Transportation</p> <p>B. Received by (Printed Name) JUN 28 2005</p> <p>C. Date of Delivery JUN 28 2005</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: OFFICE OF CHIEF COUNSEL Vehicle & Traffic Law Division</p>
<p>1. Article Addressed to: PENN DOTT OFFICE OF Chief Counsel 3RD FLOOR Riverfront Office Center Harrisburg PA 17104-2516</p>	<p>3. Service Type <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>
<p>2. Article Number (Transfer from service label) 7004 0550 0000 7174 4631</p>	

PS Form 3811, February 2004 Domestic Return Receipt 2595-02-M-1540

No. 05-917-CD

Casey Michael Maines,
Petitioner

VS.

Commonwealth of Pennsylvania
Department of Transportation,
Respondent

Certificate of Service

FILED

JUL 07 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

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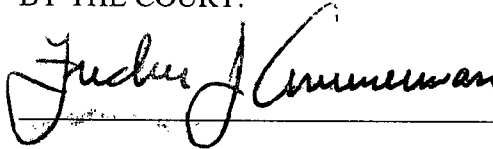
Respondent.

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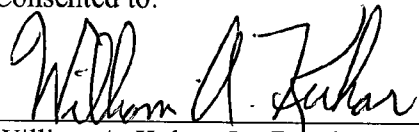
ORDER

AND NOW, to wit: this 1st day of November, 2007, in view of the order entered by this Court on September 20, 2005 in the appeal by the petitioner, Casey Michael Maines, from his conviction in District Court No. 46-3-02 in Clearfield County for violating 24 P.S. §13-1333(b)(1) on September 16, 2004, this appeal by the defendant from the May 27, 2005 order of the Department of Transportation's Bureau of Driver Licensing for the ninety (90) day suspension of his driving privilege pursuant to 24 P.S. §13-1338.1, is, with the consent of the Bureau, remanded to the Bureau for rescission of the appealed 90 day suspension and deletion of the conviction for violating 24 P.S. §13-1333(b)(1) on September 16, 2004 from the defendant's driving record.

BY THE COURT:


J.

Consented to:


William A. Kuhar, Jr., Esquire
Attorney for the Bureau of Driver Licensing

FILED acc. Attys:
019:0134
NOV 02 2007 Collins
Kuhar

William A. Shaw
Prothonotary/Clerk of Courts

(GW)

FILED

NOV 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/2/07

☐ 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: