

07-348-CD

Comm of PA vs Robert A. Leonard

Comm of PA vs Robert Leonard

2007-348-CD

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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Appellee

vs.

Robert Andrew Leonard,
Appellant

*
*
* NO.: 2007-348-CD
*
* Type of Case: Drivers' License
*
* Type of Pleading: Appeal of
* Suspension
*
* Filed on Behalf of: Robert Leonard
*
* Counsel of Record for this Party:
* Robin Jean Foor, Esquire
*
* Supreme Court No.: 41520
*
* MidPenn Legal Services
* 211 East Locust Street
* Clearfield, PA 16839
* (814)765-9646

FILED
03:50P.M. 6K
MAR 07 2007 4CC TO AMY

William A. Shaw
Prothonotary/Clerk of Courts

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Appellee :
vs. : No.
ROBERT ANDREW LEONARD, :
Appellant :
.

PETITION FOR APPEAL OF
RECALL OF DRIVING PRIVILEGES

1. Appellant is Robert Andrew Leonard, an adult individual, of 89 Mill Run Road, PO Box 98, Force, Clearfield County, Pennsylvania.
2. Appellee is Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing, Third Floor, Riverfront Office Center, Harrisburg, Pennsylvania.
3. Appellant has been notified of the suspension of his commercial driving privileges due to an adjudication of a citation for violation of section 3745 of title 75 of the Pennsylvania Statutes. A copy of said notice attached hereto and incorporated herein by reference as though set forth in full.
4. The mailing date of said Notice is February 8, 2007.
5. The effective date of the suspension is March 15, 2007.
6. This Court has venue of the instant proceeding as the county of residence of the appellant.
7. Appellant's operating privileges have been recalled for one year pursuant to Section 1611(a) of the Vehicle Code.

8. The said suspension is improper as appellant, although having plead guilty and paying the fine, did so without any knowledge or notice that citation included leaving the scene of an accident. Appellant maintains that he did not knowingly leave the scene of an accident.

WHEREFORE, the Appellant request the Court for an Order sustaining the appeal and dismissing the recall of the operating privileges.



Robin Jean Foor
PA ID # 41520
MidPenn Legal Services Inc.
211 East Locust Street
Clearfield, PA 16803
(814)765-9646

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
FEBRUARY 08, 2007

ROBERT ANDREW LEONARD
89 MILL RUN RD
P O BOX 98
FORCE PA 15841

WID # 070329283812453 001
PROCESSING DATE 02/01/2007
DRIVER LICENSE # 17597307
DATE OF BIRTH 01/31/1957

Dear Motorist:

This is an Official Notice of Disqualification of your commercial driving privilege as authorized by Section 1611A of the Pennsylvania Vehicle Code as a result of your pre-adjudication, conviction, administrative adjudication, or refusal in Pennsylvania.

Your driving record reflects one of the above adjudications on 01/31/2007 of 3745, of the Pennsylvania Statutes, LEAVING SCENE OF ACCIDENT on 08/17/2006.

Your commercial driving privilege is disqualified for a period of 1 YEAR(S) effective 03/15/2007 at 12:01 A.M.

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 disqualification 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.

070329283812453

Please see the enclosed application for restoration fee information.

While your commercial driving privilege is disqualified, the Vehicle Code permits a driver to obtain a noncommercial Class C or M license, if the driver possesses the motorcycle qualification, to drive noncommercial motor vehicles. If you wish to obtain this license, please complete the enclosed application as instructed and return it to the Department.

Please be aware that if you elect to obtain this noncommercial Class C or M license, you are still prohibited from operating a commercial motor vehicle. If you do so, you are subject to additional penalties, including possible lifetime disqualification of your commercial driving privilege.

You have the right to appeal the Department's action to the Court of Common Pleas (Civil Division) within 30 days of the mail date (FEBRUARY 08, 2007) of this notice. You must still send in your license before the effective date of disqualification unless you appear in person before a Judge and receive an order permitting you to continue to drive. PLEASE NOTE that this Civil Appeal is in addition to any appeal you have to file from the criminal conviction.

AFTER THE APPEAL HAS BEEN FILED IN THE COUNTY COURT, A TIME-STAMPED CERTIFIED COPY OF THE APPEAL MUST BE SENT BY CERTIFIED MAIL TO:

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
OFFICE OF CHIEF COUNSEL
THIRD FLOOR, RIVERFRONT OFFICE CENTER
HARRISBURG, PA. 17104

Sincerely,



Janet L. Dolan, Director
Bureau of Driver Licensing

070329283812453

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

INFORMATION (8:00 AM TO 6:00 PM)
IN STATE 1-800-932-4600
OUT-OF-STATE 717-412-5300
TDD IN STATE 1-800-228-0676
TDD OUT-OF-STATE 717-412-5380

VERIFICATION

I verify that the statements made in the Petition to Appeal of Recall of Driving Privileges are true and correct. I understand that false statements herein are made subject to the penalties of Pa.C.S. 4904, relating to unsworn falsification to authorities.

Robert Leonard Sr
Robert Leonard

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Appellee :
vs. : No. 2007-348-CD
ROBERT ANDREW LEONARD, :
Appellant :
:

ORDER

AND NOW, this _____ day of _____, 2007, Robert Andrew Leonard having filed a Petition appealing the Order of the Department of Transportation suspending his motor vehicle operating privileges, it is ORDERED that the Court Administrator's Office is directed to schedule the matter for the next available License Suspension Appeal hearing date.

It is further ORDERED that the defendant herein shall send a certified copy of this Order and of the Petition of Appeal by certified mail to Pennsylvania Department of Transportation, Office of Chief Counsel, Third Floor, Riverfront Office Center, Harrisburg, PA.17104-2516.

BY THE COURT:

Judge

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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Appellee

vs.

Robert Andrew Leonard,
Appellant

*
*
* NO.: 2007-348-CD
*
* Type of Case: Drivers' License
*
* Type of Pleading: Request for
* Supersedeas
*
* Filed on Behalf of: Robert Leonard
*
* Counsel of Record for this Party:
* Robin Jean Foor, Esquire
*
* Supreme Court No.: 41520
*
* MidPenn Legal Services
* 211 East Locust Street
* Clearfield, PA 16839
* (814)765-9646

FILED
03:51 PM 6K
MAR 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

4CC TO ATTY
(6K)

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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Appellee

vs.

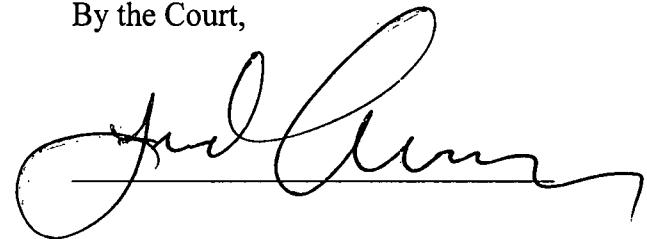
No. 07-348-CD

ROBERT ANDREW LEONARD,
Appellant

ORDER GRANTING SUPERSEDEAS

And now, this 8 day of March, 2007 upon consideration of the foregoing petition, it is ORDERED that appellant's request for supersedeas is granted and that he shall retain his commercial vehicle operating privileges until the appeal is resolved.

By the Court,



FILED 400
03/09/2007 Atty. For
MAR 09 2007
WP

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/9/07
 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:

FILED

MAR 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Appellee :
:
vs. : No.
:
ROBERT ANDREW LEONARD, :
Appellant :
:

PETITION REQUESTING SUPERSEDEAS

Robert Andrew Leonard, appellant, by and through his attorneys, Robin Jean Foor, Esquire and MidPenn Legal Services, requests a supersedeas and alleges as follows:

1. In January, 2007, appellant received notice of three citations that were the result of an incident from August, 2006.
2. The incident involved scrape falling off commercial vehicle.
3. Appellant was hauling scrape on the date and road in the citation.
4. Appellant is aware of other vehicles hauling scrape on that date and road.
5. Appellant does not recall scrape falling from his vehicle.
6. However, as he was not sure he pled guilty to the citations and paid the fines.
7. One of the citations was for "accident involving damage to unattended vehicle or property." The information in the citation said that appellant's vehicle was over height and struck an overpass. The information on the summons did not say anything about leaving the scene of an accident.
8. Appellant did not knowingly leave the scene of an accident and would have not pled guilty to a summons that said that he had.

9. Appellant is a commercial truck driver.
10. If his commercial driver's license is suspended, he will not be able to pursue his livelihood.

Wherefore, appellant requests the court to grant him a supersedeas so that he might retain his commercial vehicle operating privileges pending the outcome of this appeal.



Robin Jean Foor
Attorney for Appellant
MidPenn Legal Services
211 East Locust Street
Clearfield, PA 16830
(814)765-9646

VERIFICATION

I verify that the statements made in the Petition for Supersedeas are true and correct. I understand that false statements herein are made subject to the penalties of Pa.C.S. 4904, relating to unsworn falsification to authorities.

Robert Leonard Sr
Robert Leonard

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Civil Division

Commonwealth of PA
Department of Transportation,
Appellee

vs.

Robert Andrew Leonard,
Appellant

- *
* No.: 2007-348-CD
- *
- *
- * TYPE OF CASE: Driver's License
Suspension
- *
- * TYPE OF PLEADING: Certificate of Service
- *
- *
- * FILED ON BEHALF OF: Appellant
- *
- * COUNSEL OF RECORD FOR THIS PARTY:
* Robin Jean Foor, Esquire
- *
- * SUPREME COURT NO.: 41520
- *
- * MidPenn Legal Services
* 211 East Locust Street
* Clearfield, Pennsylvania 16830
* (814) 765-9646
- *
- *

FILED
03/16/2007
MAR 16 2007
S
William A. Shaw
Prothonotary/Clerk of Courts
100 County Foor

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

Commonwealth of PA
Department of Transportation,
Appellee

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vs.

* No.: 2007-348-CD

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*

Robert Andrew Leonard,
Appellant

CERTIFICATE OF SERVICE

I, Robin Jean Foor, Esquire, hereby certify that on the 14th day of March, 2007, I served a copy of the Appeal of Suspension filed in the above-captioned case to the following individual by certified mail, return receipt requested:

Pennsylvania Department of Transportation
Office of Chief Counsel
Third Floor
Riverfront Office Center
Harrisburg, Pennsylvania 17104

The return receipt card signed by Scott A. Klouser is attached.



Robin Jean Foor, 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 <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee X</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery MAR 14 2007</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No  Scott A. Klouser</p>	
<p>1. Article Addressed to:</p> <p>Pennsylvania Dept. of Transportation office of Chief Counsel Third Floor Riverfront Office Center Harrisburg, Pennsylvania 17104</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>7003 1680 0005 6731 9594</p>			
PS Form 3811, August 2001		Domestic Return Receipt	
		102595-02-M-1540	

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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

vs.

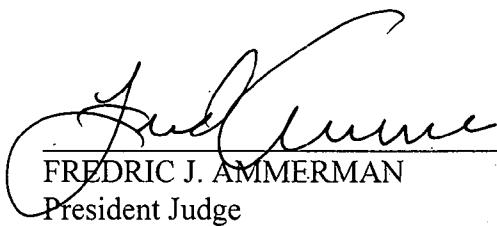
No. 07-348-CD

ROBERT ANDREW LEONARD

ORDER

AND NOW, this 1 day of May, 2007, it is the ORDER of the Court that hearing on Defendant's Appeal of Suspension of Commercial Motor Vehicle Operating Privileges in the above matter has been scheduled for Tuesday, June 12, 2007 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 this hearing will be heard.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

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01/31/2007 BCC to
MAY 01 2007 Atty Muhas

+serve
(per C/A)

William A. Shaw
Prothonotary/Clerk of Courts

(GK)

1cc Atty Foor 5/21/07
per C/A

FILED

MAY 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/1/07

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:

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

Commonwealth of PA
Department of Transportation,
Plaintiff

vs.

Robert Andrew Leonard,
Defendant

*
*
*
* NO.: 2007-348-CD
*
* Type of Case: Driver's License
* Suspension
* Type of Pleading: Petition for
* Continuance
*
* Filed on Behalf of: Robert Leonard
*
* Counsel of Record for this Party:
* Robin Jean Foor, Esquire
*
* Supreme Court No.: 41520
*
* MidPenn Legal Services
* 211 East Locust Street
* Clearfield, PA 16839
* (814)765-9646

FILED acc Aky
0/10:30 AM Foor
MAY 23 2007
WPS

William A. Shaw
Prothonotary/Clerk of Courts

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Appellee :
vs. : No. 07-348-CD
ROBERT ANDREW LEONARD, :
Appellant :
:

ORDER

AND NOW, this 23 day of MAY, 2007, upon the Petition of
Counsel for Andrew Leonard the hearing scheduled for June 12, 2007 is continued, it is
ORDERED that the Court Administrator's Office is directed to re-schedule the matter for
the next available License Suspension Appeal hearing date.

BY THE COURT:



Judge

FILED *ace AM*
02:01 pm *for*
MAY 24 2007
GK

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/24/2007

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

MAY 24 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
Appellee :
vs. : No. 2007-348-CD
ROBERT ANDREW LEONARD, :
Appellant :
:

PETITION FOR CONTINUANCE

Appellant, Robert Leonard, by and through his attorneys, Robin Jean Foor, Esquire and MidPenn Legal Services, requests a continuance and alleges as follows:

1. Petitioner filed an appeal of his driver's license suspension on March 7, 2007.
2. A hearing on that appeal has been scheduled for June 12, 2007.
3. Counsel for appellant has a scheduled vacation for that date.
4. Counsel for the Department of Transportation, William Kuher, does not object to the continuance.

WHEREFORE, Petitioner requests that hearing on Appellant's suspension be continued to the next date that court will be hearing Driver's License Appeals.

Respectfully Submitted,



Robin Jean Foor
Attorney for the Appellant

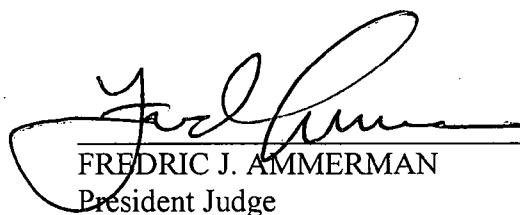
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
vs. : No. 07-348-CD
ROBERT ANDREW LEONARD :
:

ORDER

AND NOW, this 1 day of October, 2007, it is the ORDER of the Court that hearing on Defendant's Appeal of Suspension of Commercial Motor Vehicle Operating Privileges in the above matter has been scheduled for Friday, October 12, 2007 at 2:30 P.M. before the Honorable Fredric J. Ammerman in Courtroom No. 1., in the Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

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OCT 14 2007
OCT 01 2007
Kuhar
Foor
William A. Shaw
Prothonotary/Clerk of Courts
(61)

FILED

OCT 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/10/07

____ You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION

-VS- No. 07-348-CD

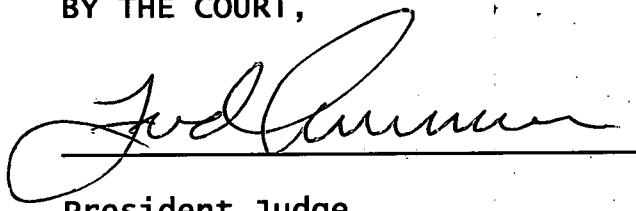
ROBERT ANDREW LEONARD

O R D E R

AND NOW, this 12th day of October, 2007, upon
agreement of the parties in the above-captioned License
Suspension Appeal Hearing, it is the ORDER of this Court as
follows:

1. The Appeal is dismissed;
2. The Court recommends a four (4) month delay
in reinstatement of the suspension of operating privileges
in order to allow the Petitioner, Robert Andrew Leonard, an
opportunity to appeal the underlying Summary Conviction.

BY THE COURT,



President Judge

FILED 5CC Atty
0/3:00pm Four
OCT 12 2007 (will serve)
GK

William A. Shaw
Prothonotary/Clerk of Courts