

07-840-CD  
Jack Wallace vs Comm of PA

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Jack Wallace vs Comm of PA

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

JACK DUANE WALLACE,  
Petitioner

vs.

No. 07-840-CD

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION,  
Respondent

**PETITION FOR REVIEW**

Filed on behalf of:  
Jack Duane Wallace

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 pd \$85.00 Att'y  
013:50cm 4CC Att'y  
MAY 31 2007 Collins

William A. Shaw  
Prothonotary/Clerk of Courts

Original  
upstairs

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CIVIL DIVISION

JACK DUANE WALLACE,  
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: No. 07-840-CD

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION,  
Respondent

No action  
needed

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Petitioner

vs. : No.

COMMONWEALTH OF PENNSYLVANIA :  
DEPARTMENT OF TRANSPORTATION,  
Respondent

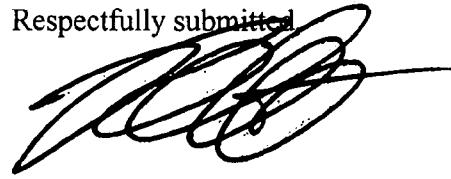
**PETITION FOR REVIEW**

AND NOW comes Petitioner, Jack Duane Wallace, by and through Ronald L. Collins, Esquire, who Petitions your Honorable Court as follows:

1. That Petitioner is Jack Duane Wallace, of 8667 Tyrone Pike, Iriona, Pennsylvania, 16656.
2. That Petitioner's Driver License No. 22746905.
3. That Respondent is the Commonwealth of Pennsylvania, Department of Transportation.
4. That by Official Notice dated May 1, 2007, Respondent notified Petitioner that his operating privileges were being suspended for a period of Three (3) Months as the result of his conviction of the offense of Driving While Registration Suspended Section 1371 (a) of the Vehicle Code on April 23, 2007. A copy of said Notice is hereinafter attached as Exhibit "A".
5. That the citation giving rise to the conviction was issued on March 4, 2007 and assigned Docket No. TR073-2007 in the Magisterial District of James L. Hawkins, District No. 46-3-04. A copy of said citation is hereinafter attached as Exhibit "B".
6. That Petitioner filed a timely Notice of Appeal of said Summary Conviction in Clearfield County which appeal is currently pending.
7. That if said Summary Conviction is vacated on appeal, Respondent will no longer have a basis upon which to suspend Petitioner's operating privileges for this offense.

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

*file  
summary  
Appeal*

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: MAY 01, 2007

JACK DUANE WALLACE  
8667 TYRONE PIKE  
IRVONA PA 16656

WID # 071149283111488 001  
PROCESSING DATE 04/24/2007  
DRIVER LICENSE # 22746905  
DATE OF BIRTH 07/13/1972

Dear MR. WALLACE:

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 04/23/2007 conviction of violating Section 1371 of the Vehicle Code DRIVE WHILE REG.SUSP/REVO on 03/04/2007:

- Your driving privilege is **SUSPENDED** for a period of 3 MONTH(S) effective 06/05/2007 at 12:01 a.m.

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.

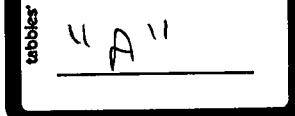
**COMPLYING WITH THIS SUSPENSION**

You must return all current Pennsylvania driver's licenses, learner's permits, temporary driver's licenses (camera cards) in your possession on or before 06/05/2007. You may surrender these items before, 06/05/2007, 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.

**EXHIBIT**



071149283111488

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.

071149283111488

**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, MAY 01, 2007, 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 06/05/2007.

Sincerely,



Janet L. Dolan, Director  
Bureau of Driver Licensing

SEND FEE/LICENSE/DL-16LC/T0:  
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





IN THE COURT OF COMMON PLEAS, COUNTY OF *Clearfield*

Notice of Appeal from Summary Criminal Conviction

Name and Address of Defendant:

*John Edward Williams  
Kelli Marie Williams  
1700 Williams  
Clearfield, PA ZIP 16830*

Date: *11/17/07*

Issuing Authority Docket No. *EX-15-371*

Citation No. *11-2007*

Magisterial District No. *Clearfield*

Appeal from sentence of *Clearfield County*

Date of Sentence: *4-23-07* Offense(s) of which convicted. *Failure to wear seat belt*

Name and mailing address of affiant as shown on citation

or complaint. *Trump Williams  
1700 Williams  
Clearfield, PA*

If sentence includes fine and costs, amount of which paid:

*\$50.00*

Type or amount of bail furnished to issuing authority, if any:

Name and address of issuing authority:

*Clearfield County  
1700 Williams  
Clearfield, PA ZIP  
Phone 231-3111*

ATTORNEY IDENTIFICATION NO.

Name and address of  
Attorney for Defendant:

(signature).....

(print name).....

(street)..... Phone .....

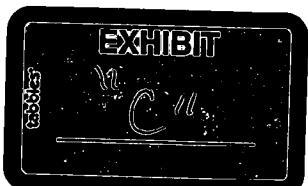
(address)..... ZIP .....

NOTICE TO DEFENDANT:

If your appeal is from a motor vehicle conviction other than parking, have the clerk of courts certify this copy and mail to the following address:

Penn. Dept. of Transportation  
PO Box 60037  
Harrisburg, PA 17106

I hereby certify that an appeal has been filed in the above captioned matter.



CLERK OF COURTS

DEFENDANT'S COPY

Prothonotary/Clerk of Courts  
William A. Shaw

MAY 31 2007

FILED

No.	Jack Duane Wallace, Petitioner	vs. Commonwealth of Pennsylvania Department of Transportation Respondent	Petition for Review	Ronald L. Collins, Esquire
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**Sobel & Collings**  
ATTORNEYS & COUNSELORS AT LAW  
218 SOUTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-5552  
sobelcollins@atlanticbb.net

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

JACK DUANE WALLACE, :  
Petitioner :  
vs. : No. 2007-840-CD  
COMMONWEALTH OF PENNSYLVANIA, :  
DEPARTMENT OF TRANSPORTATION, :  
Respondent :  
:

**ORDER OF COURT**

AND NOW, to wit: this 1<sup>st</sup> day of November, 2007, in view of the order that was entered by this Court on October 8, 2007 in the appeal by the petitioner, Jack Duane Wallace, from his April 23, 2007 conviction in District Court No. 46-3-04 for violating 75 Pa.C.S. §1371 on March 4, 2007, this appeal by the petitioner from a May 1, 2007 order of the Pennsylvania Department of Transportation's Bureau of Driver Licensing for the suspension of his driving privilege for a period of three (3) months pursuant to 75 Pa.C.S. §1532(b) is, with the consent of the Bureau, remanded to the Bureau to rescind the appealed 3 month suspension and to delete from the petitioner's driving record the April 23, 2007 conviction for violating 75 Pa.C.S. §1371 on March 4, 2007, if such action has not already been taken.

By the Court:

*Judge J. Kuhar*

J.

Consented to:

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

**FILED**  
010707  
NOV 02 2007

William A. Shaw  
Prothonotary/Clerk of Courts

*(GK)*

2CC Atty:  
Collins  
Kuhar

FILED

NOV 02 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/20/07

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  Other

Special Instructions: