

07-840-CD
Jack Wallace vs Comm of PA

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2007-840-CD

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

JACK DUANE WALLACE,
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

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No. 07-840-CD

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 885.00 ATT
0/3:50cm 4CC ATT
MAY 31 2007 COLLINS

William A. Shaw
Prothonotary/Clerk of Courts

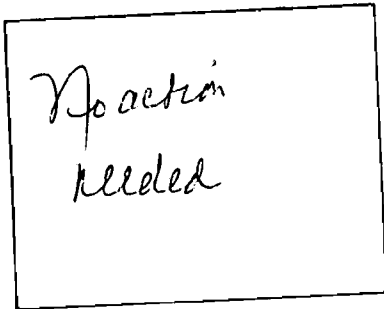
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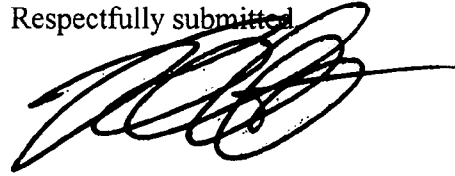
PETITION FOR REVIEW

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, Irvona, 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

A handwritten signature in black ink, appearing to be 'R. Collins', written over a horizontal line.

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.

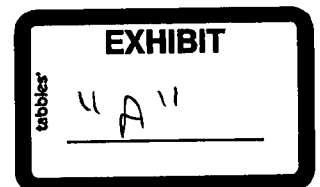
Before PennDOT can restore your driving privilege, you must follow the instructions in this letter for **COMPLYING WITH THIS SUSPENSION**, **PAYING THE RESTORATION FEE** and **PROVIDING PROOF OF INSURANCE**. You should follow **ALL instructions** very carefully. Even if you have served all the time on 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.



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.

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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/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

COMMONWEALTH OF PENNSYLVANIA

CITATION NO.

P0051707-5

1. Magisterial District No. CDR 46-3-04		TRAFFIC CITATION		2. Docket Number TR 7307 116051	
3. Address of Magisterial District Office 231 SPRING ST 1600 360 HOUTZDALE, PA					
4. Driver Number 22746925		5. C.D.L. <input type="checkbox"/> PA		7. D.O.B. 6/15/72	
9. Defendant Name - First DANNE		Middle WALLACE		Last WALLACE	
10. Defendant Address (Other City, State or Country) 81607 TORRONE PK INVONA PA 16006					
11. Veh. Reg. No. YCN 4339		12. Reg. Yr. 06		13. State PA	
17. Veh. Reg. No.		18. Reg. Yr.		19. State PA	
20. Make CHRYSLER					
21. Type TRUCK					
22. Color RED/BLK					
23. Owner/Leasee or Carrier Name & Address <input type="checkbox"/> Same as Defendant <input checked="" type="checkbox"/> Not Required					
24. Charge <input type="checkbox"/> Maximum Speed Limit <input type="checkbox"/> Drivers Required to be Licensed <input type="checkbox"/> Careless Driving <input type="checkbox"/> Stop Signs & Yield Signs <input type="checkbox"/> Registration & Certificate of Title Required <input type="checkbox"/> Driving Vehicle at Safe Speed <input type="checkbox"/> Unlawful Activities <input type="checkbox"/> Traffic Control Signals <input type="checkbox"/> Operation of Vehicle without Official Certificate of Inspection <input type="checkbox"/> Driving while Operating Privilege is Suspended or Revoked <input checked="" type="checkbox"/> Other OPERATION FOLLOWING SUSPENSION OF REGISTRATION					
25. Nature of Offense <input type="checkbox"/> Speeding _____ MPH Allowed _____ MPH <input type="checkbox"/> Radar <input type="checkbox"/> Clock <input type="checkbox"/> A.O.V. <input type="checkbox"/> Operated Vehicle with Expired Inspection <input type="checkbox"/> Operated Vehicle without Valid License <input type="checkbox"/> Operated Vehicle with Suspended/Revoked License <input type="checkbox"/> Operated Unregistered Vehicle <input type="checkbox"/> Violated 67 Pa. Code Rel. 49 CFR TYPE F INS CANCELLATION					
26. VEHICLE CODE TITLE 75 27. SEC. 1501 28. SUB SEC. 9 29. FINE 100.00 30. E.M.S. 10.00 31. MCARE 30.00 32. COSTS 33. J.C.P./A.T.J. 10.00 34. TOTAL DUE \$150.00					
<input type="checkbox"/> Filed on Info. Received <input type="checkbox"/> Lab Services Requested					
Rings were doubled because: <input type="checkbox"/> Highway Safety Corridor <input type="checkbox"/> Active Work Zone					
35. Location SPRUCE ST					
36. Date 5/20/07					
37. Time 12:00 PM					
38. Time of Day BIGLER					
39. Code 203					
40. Dir. of Travel N					
41. Date 05/04/07					
42. Time 1:00 PM					
43. County CLEARFIELD					
44. Defendant Signature [Signature]					
45. Date 05/04/07					
46. I verify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of Section 4904 of the Criminal Code (18 Pa.C.S. § 4904) relating to unsworn testimony to authorities.					
47. Officer's Signature [Signature]					
48. BADGE NO. 10326 ORI Number PA PSP 1300					
49. THIS CITATION HAS BEEN ISSUED/FILED BY A MEMBER OF THE PENNSYLVANIA STATE POLICE, HARRISBURG, PA 17110.					
50. Speed Testing Device Operator					
51. Miles Followed		52. Miles Traveled		53. Speed Tested	
54. Speed Equip. Serial No.		55. Station Equip. Tested		56. Date Equip. Tested	
57. Accident Report No.		58A. Juvenile <input type="checkbox"/> YES <input type="checkbox"/> NO		58B. Parents Notified <input type="checkbox"/> YES <input type="checkbox"/> NO	
59. Comm. Veh. <input type="checkbox"/> YES <input type="checkbox"/> NO		60. Haz. Mat. <input type="checkbox"/> YES <input type="checkbox"/> NO			
61. Remarks / Subpoena List CO - JOINED P0051706-4 P0051705-3 MAR 05 2007 P0051704-2					
62. Special Activity		63. Date 5/23/07		64. Speed Detec. Type 2L 5513	

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. An accumulation of points may result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to, 75 Pa.C.S. §§ 1371, 3341, 3345, 3367, 3718, 3733, 3734, 3736, subsequent convictions of 75 Pa.C.S. § 1501, a violation of 75 Pa.C.S. § 3361 when occurring in an active work zone and an accident report is submitted by the police, and a violation of 75 Pa.C.S. § 3362 when occurring in an active work zone.

SP 7-0017A
ADPC 408C-95 (Rev. 3/2006)

MAGISTERIAL DISTRICT JUDGE

P0051707-5

USE BALLPOINT - PRINT AND PRESS HARD

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EXHIBIT

tabbies
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IN THE COURT OF COMMON PLEAS, COUNTY OF Clearfield

Notice of Appeal from Summary Criminal Conviction

Name and Address of Defendant:

John Duane Whinnace
8001 Spruce St
Clearfield, PA ZIP 16830

Date: 5/11/07

Issuing Authority Docket No. 1313807

Citation No. _____

Magisterial District No. 46304

Appeal from sentence of Domestic Violence Restraining Order

Date of Sentence: 4/23/07 Offense(s) of which convicted Domestic Violence Restraining Order

Name and mailing address of affiant as shown on citation

or complaint Travis Thomas

POB Clearfield

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

None

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

Name and address of issuing authority:

William A. Shaw

430 Spruce St

Clearfield, PA ZIP _____

Phone 814 378 7100

ATTORNEY IDENTIFICATION NO.

Name and address of
Attorney for Defendant:

(signature) _____

(print name) _____

(street) _____ Phone _____

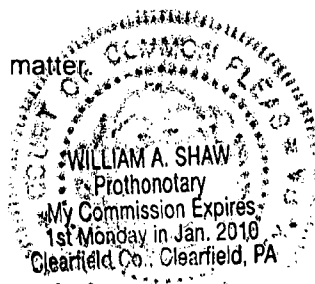
(address) _____ ZIP _____

NOTICE TO DEFENDANT:

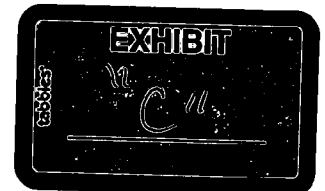
If your appeal is from a motor vehicle conviction other than parking, have the clerk of courts certify this copy and mail to the following address:

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



FILED

MAY 31 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

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CIVIL DIVISION

JACK DUANE WALLACE,
Petitioner

vs.

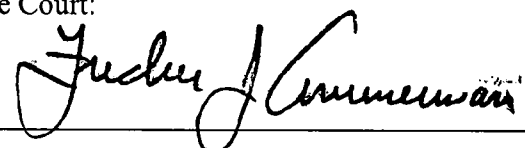
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
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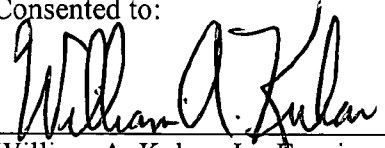
ORDER OF COURT

AND NOW, to wit: this 1st 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:


J.

Consented to:


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

FILED
019:0761
NOV 02 2007
2cc Atty's:
Collins
Kuhar
William A. Shaw
Prothonotary/Clerk of Courts
(GK)

FILED

NOV 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/21/07

☐ 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: