

07-1064-CD  
Comm of PA vs Emma Guarino

2007-1064-CD  
Comm of PA vs Emma Guarino

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

COMMONWEALTH OF PENNSYLVANIA

\*

\*

vs.

\* No. 07 - 1064 - CD

\*

EMMA E. GUARINO

\*

**APPEAL FROM SUSPENSION OF OPERATOR'S LICENSE**

11/11/07  
0101451  
James A. Shaw  
Clerk of Courts  
2 Court to APL  
copy to CIA

1. The Petitioner is Emma E. Guarino who resides at Maxwell Street, Curwensville, Pennsylvania 16833.

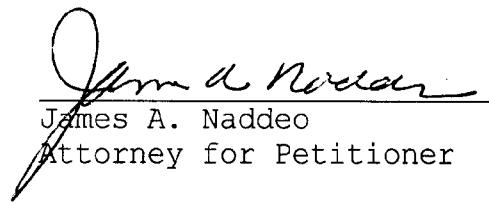
2. The Petitioner has been issued Pennsylvania Driver's License Number 05934867..

3. By letter dated June 25, 2007, Petitioner was advised that her driving privileges were being suspended for conviction of a violation of Section 3345A of the Vehicle Code. A copy of said letter is attached as Exhibit "A".

4. That your Petitioner has filed an appeal from her conviction of a violation of Section 345A of the Vehicle Code which appeal is pending in the Court of Common Pleas, Clearifeld County, Pennsylvania, to No. CP-17-SA-25-2007.

WHEREFORE, Petitioner requests Your Honorable Court to enter an Order setting aside the suspension pending final disposition of the appeal from her summary conviction.

Respectfully submitted this 5<sup>th</sup> day of July, 2007.

  
James A. Naddeo  
Attorney for Petitioner

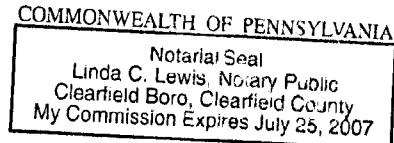
COMMONWEALTH OF PENNSYLVANIA) SS  
COUNTY OF CLEARFIELD )

Before me, the undersigned officer, personally appeared  
EMMA E. GUARINO, who being duly sworn according to law, deposes  
and states that the facts set forth in the foregoing Appeal are  
true and correct to the best of her knowledge, information and  
belief.

Emma E. Guarino  
Emma E. Guarino

SWORN and SUBSCRIBED before me this 5<sup>th</sup> day of July, 2007.

Linda C. Lewis



JUN 29 2007

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: JUNE 25, 2007

EMMA E GUARINO  
MAXWELL ST  
CURWENSVILLE PA 16833

WID # 071699283011285 001  
PROCESSING DATE 06/18/2007  
DRIVER LICENSE # 05934867  
DATE OF BIRTH 01/16/1924

Dear MS. GUARINO:

This is an **Official Notice of the Suspension of your Driving Privilege** as authorized by Section 1535 of the Pennsylvania Vehicle Code. As a result of your 06/14/2007 conviction of violating Section 3345A of the Vehicle Code, PASSING A SCHOOL BUS, on 01/16/2007:

- Your driving privilege is **SUSPENDED for a period of 60 days effective 07/30/2007 at 12:01 a.m.**
- PennDOT is required by law to assign 5 points to your driving record.

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 07/30/2007. You may surrender these items before, 07/30/2007, 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.

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.

071699283011285

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, JUNE 25, 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 07/30/2007.

Sincerely,



Janet L. Dolan, Director  
Bureau of Driver Licensing

INFORMATION 8:00 a.m. to 6:00 p.m.

IN STATE	1-800-932-4600	TDD IN STATE	1-800-228-0676
OUT-OF-STATE	717-412-5300	TDD OUT-OF-STATE	717-412-5380
WEB SITE ADDRESS	<u><a href="http://www.dmv.state.pa.us">www.dmv.state.pa.us</a></u>		

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

COMMONWEALTH OF PENNSYLVANIA,  
Plaintiff,

v.

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\* No. 07 -01064- CD

\*

EMMA E. GUARINO,

Defendant.

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

COMMONWEALTH OF PENNSYLVANIA, \*  
Plaintiff, \*  
\*  
v. \* No. 07 -01064- CD  
\*  
EMMA E. GUARINO, \*  
Defendant. \*

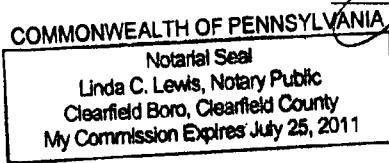
**AFFIDAVIT**

COMMONWEALTH OF PENNSYLVANIA )  
.SS  
COUNTY OF CLEARFIELD )

I, James A. Naddeo, Esquire, attorney for the above named Defendant, being duly sworn according to law, deposes and states that a certified copy of the Appeal from Suspension of Operator's License filed in the above-captioned action was served upon the Pennsylvania Department of Transportation, in accordance with Pa.R.C.P. 1930.4(c) by first-class mail, return receipt requested, on July 9, 2007, at the address of Office of Chief Counsel, Third Floor, Riverfront Office Center, Harrisburg, Pennsylvania 17104-2516, as appears from the receipt of Certified Mail attached hereto.

*James A. Naddeo*  
James A. Naddeo, Esquire  
Attorney for Defendant

SWORN and SUBSCRIBED before me this 24<sup>th</sup> day of July, 2007.



<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>★ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>★ Print your name and address on the reverse so that we can return the card to you.</li> <li>★ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p style="text-align: center;"><i>Guar. NO</i></p>	
1. Article Addressed to: Pennsylvania Dept of Transportation Office of Chief Counsel Third Floor, Riverfront Office Harrisburg, PA 17104-2516		A. Signature <input checked="" type="checkbox"/> <i>Commonwealth of Pennsylvania</i> <input type="checkbox"/> <i>Office of Chief Counsel</i> <input type="checkbox"/> <i>Vehicle &amp; Traffic Law Division</i> B. Received by <i>Commonwealth of Pennsylvania</i> Date of Delivery <i>Office of Chief Counsel</i> <i>Vehicle &amp; Traffic Law Division</i> C. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <i>1007</i> <input type="checkbox"/> No	
		D. 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.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number <i>(Transfer from service label)</i>		<i>7003 3110 0001 9382 9962</i>	

PS Form 3811, February 2004

Domestic Return Receipt

102505-02-M-1540

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

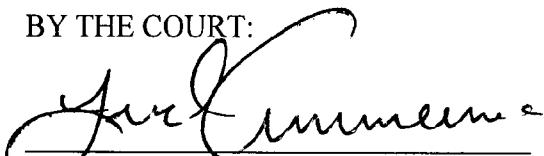
COMMONWEALTH OF PENNSYLVANIA :  
vs. : No. 07-1064-CD  
EMMA E. GUARINO :  
: 19

**ORDER**

AND NOW, this 11 day of December, 2007, it is the ORDER of the Court that hearing on Defendant's License Suspension Appeal in the above matter has been scheduled for Wednesday, January 23, 2008 at 10:00 A.M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, PA.

It is the responsibility of the Petitioner to serve certified copy of said scheduling Order on all parties.

BY THE COURT:

  
\_\_\_\_\_  
FREDRIC J. AMMERMAN  
President Judge

FILED 3cc Atty  
01/3/2008 Naddeo  
DEC 11 2007  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

100-118107

DEC 11 2007

William A. Shaw  
Prothonotary/Clerk of Courts

ICC Atty Kuhar  
ICC Curwensville Borough Police  
12/18/07 per CJA

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

COMMONWEALTH OF PENNSYLVANIA  
vs.  
EMMA E. GUARINO

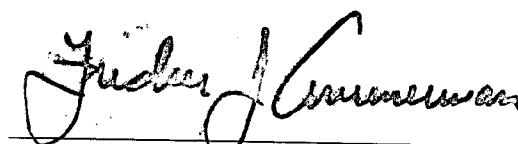
\*  
\* NO. 07-1064-CD  
\*

ORDER

NOW, this 9<sup>th</sup> day of January, 2008, the Court having previously scheduled a hearing on the Defendant's License Suspension Appeal for January 23, 2008; the Court noting that it would be in the interest of judicial economy for the Court to render decision on the Summary Appeal filed by the Defendant with this Court to case No. CP-17-SA-25-2007 as the summary conviction led to the driver's license suspension.

Accordingly, it is the ORDER of this Court that the hearing on Driver's License Suspension Appeal scheduled for January 23, 2008 be and is hereby canceled.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

CC Atts.  
OT: 5030 Kuhar  
JAN 10 2008 Nadded

William A. Shaw  
Prothonotary/Clerk of Courts

(6K)

JAT: (1) 7/14

William A. Sharv,  
Prothonotary/Clerk of Court

DATE: July 14

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 PENNSYLVANIA : :

VS. : NO. 07-1064-CD

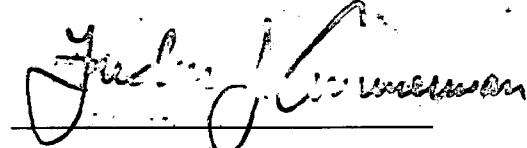
EMMA E. GUARINO : :

O R D E R

AND NOW, this 6th day of February, 2008, this being the date set for hearing on Summary Appeal and on the Defendant's Motion to Quash Citation. The Court notes that the Defendant, through counsel, has conceded that the provisions of the statute in question, being 75 Pa.C.S.A. Section 3345(a) was violated by the Defendant and that the only remaining issue before the Court is decision on the Motion to Quash Citation.

Accordingly, it is the ORDER of this Court that counsel for both parties have no more than twenty (20) days from this date in which to submit appropriate brief to the Court on the issues as were argued this date.

BY THE COURT,



President Judge

1/2/08 acc Atty's:  
1/2/10am Kuhar  
FEB 08 2008 Noddec

William A. Shaw  
Prothonotary/Clerk of Courts

6P

DATE: 28-2008

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:

William A. Shaw  
Prothonotary/Clerk of Courts

FEB 08 2008

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

COMMONWEALTH OF PENNSYLVANIA,  
Plaintiff,

v.

EMMA E. GUARINO,  
Defendant.

\* No. 07 -01064- CD

FILED

DEC 09 2008

of 10:45 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

\* Type of Pleading:

\* **PRAECIPE TO WITHDRAW**

\* **APPEAL**

\* Filed on behalf of:

\* Defendant

\* Counsel of Record for  
this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

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

COMMONWEALTH OF PENNSYLVANIA \*  
Plaintiff, \*  
\*  
vs. \* No. 07 - 1064 - CD  
\*  
EMMA E. GUARINO \*  
Defendant. \*

PRAECIPE TO WITHDRAW APPEAL

TO THE PROTHONOTARY:

Please mark the above-captioned Appeal to be withdrawn.

James A. Naddeo  
James A. Naddeo, Esquire  
Attorney for Defendant

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

COMMONWEALTH OF PENNSYLVANIA, \*  
Plaintiff, \*  
\*  
v. \* No. 07 -01064- CD  
\*  
EMMA E. GUARINO, \*  
Defendant. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that certified copy of Praeclipe to Withdraw Appeal was served on the following and in the following manner on the 9<sup>th</sup> day of December, 2008:

First-Class Mail, Postage Prepaid

William Kuhar, Esquire  
1209 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Defendant