

07-1715-CD  
R. Spencer vs Dept of Transp.

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

ROBERT SHANE SPENCER,  
Petitioner

vs.

No. 2007-1715-CD

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION,  
Respondent

FILED

OCT 22 2007

o 11:35 AM

William A. Shaw

Prothonotary/Clerk of Courts

**PETITION FOR REVIEW**

Filed on behalf of:

Robert Shane Spencer

5 cent m

Atty

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

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C/A

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ROBERT SHANE SPENCER,  
Petitioner

vs. : No.

COMMONWEALTH OF PENNSYLVANIA :  
DEPARTMENT OF TRANSPORTATION,  
Respondent

**PETITION FOR REVIEW**

AND NOW comes Petitioner, Robert Shane Spencer, by and through Ronald L. Collins, Esquire, who Petitions your Honorable Court as follows:

1. That Petitioner is Robert Shane Spencer of 1645 Watts Road, Curwensville, Pennsylvania.  
2. That Petitioner's date of birth is August 24, 1957 and his Driver License No. 17876651.  
3. That Respondent is the Commonwealth of Pennsylvania, Department of Transportation.  
4. That by Official Notice dated September 26, 2007, Petitioner was notified by Respondent that his Driver's License is to be suspended as the result of an alleged violation of Section 1547 of the Vehicle Code, Chemical Test Refusal, occurring on August 22, 2007. A copy of said Notice is hereby attached as Exhibit "A".

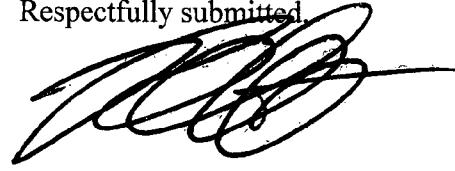
5. That, in addition, Petitioner also received an Official Notice dated September 26, 2007 from Respondent notifying him that his commercial driving privilege is disqualified for life as the result of the above said alleged chemical test refusal. A copy of said additional notice is attached as Exhibit "B".

6. That Petitioner's drivers license and commercial driving privileges are not subject to suspension or disqualification in that the police officer did not have reasonable grounds to believe

that Petitioner had been driving a motor vehicle under the influence of alcohol and, further, did not have probable cause to place him under arrest for the offense of Driving Under the Influence, 75 Pa. C.S.A. §3802.

WHEREFORE, Petitioner respectfully requests your Honorable Court to review the actions of Respondent and find that his drivers license is not subject to suspension and his commercial driving privilege is not subject to disqualifications.

Respectfully submitted,



Ronald L. Collins, Esquire

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: SEPTEMBER 26, 2007

ROBERT SHANE SPENCER  
1645 WATTS RD  
CURWENSVILLE PA 16833

WID # 072626561327102 002  
PROCESSING DATE 09/19/2007  
DRIVER LICENSE # 17876651  
DATE OF BIRTH 08/24/1957

LICENSE IN BUREAU

Dear MR. SPENCER:

This is an **Official Notice of the Suspension** of your Driving Privilege as authorized by Section 1547B1II of the Pennsylvania Vehicle Code. As a result of your violation of Section 1547 of the Vehicle Code, CHEMICAL TEST REFUSAL, on 08/22/2007:

- Your driving privilege is **SUSPENDED** for a period of 18 MONTH(S) effective 04/14/2008 at 12:01 a.m.

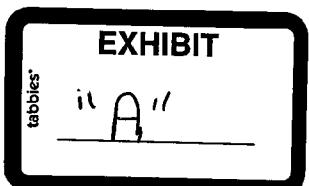
This suspension is in addition to any other suspensions already on your record.

**APPEAL**

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, SEPTEMBER 26, 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**.



072626561327102

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>		

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Harrisburg, PA 17123  
SEPTEMBER 26, 2007

ROBERT SHANE SPENCER  
1645 WATTS RD  
CURWENSVILLE PA 16833

WID # 072626561327102 002  
PROCESSING DATE 09/19/2007  
DRIVER LICENSE # 17876651  
DATE OF BIRTH 08/24/1957

LICENSE IN BUREAU

Dear Motorist:

This is an Official Notice of Disqualification of your commercial driving privilege as authorized by Section 1611C 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 08/22/2007 of 1547, of the Pennsylvania Statutes, CHEMICAL TEST REFUSAL on 08/22/2007.

Since this is your second adjudication of an offense in Section 1611A of Pennsylvania Vehicle Code, your commercial driving privilege is DISQUALIFIED FOR LIFE effective 04/14/2008 at 12:01 A.M.

COURT ORDER TREATMENT PROGRAM

Pursuant to Section 1548(d) of the Vehicle Code, the Court of UNKNOWN, Court Number ERROR, Court Term ERROR has ordered you to attend a treatment program for alcohol or drug addiction. As a result of the court order, this suspension/revocation shall remain in effect until the Department is notified by the above Court that you have successfully completed treatment and you are otherwise eligible for restoration of your driving privilege.

The above mentioned sanction is in addition to any previously issued sanction(s).

EXHIBIT

tabbles'

"B"

072626561327102

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 (SEPTEMBER 26, 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

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

No.

Robert S. Spencer,  
Petitioner

vs.

Commonwealth of Pennsylvania,  
Department of Transportation,  
Respondent

Petition for Review

**Sobel & Collins**  
ATTORNEYS & COUNSELORS AT LAW  
218 SOUTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-5552  
sobelcollins@atlanticbb.net

William A. Shaw  
Prothonotary/Clerk of Courts

OCT 22 2007

FILED

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

UA

COMMONWEALTH OF PENNSYLVANIA :  
DEPARTMENT OF TRANSPORTATION :  
vs. : No. 07-1715-CD  
ROBERT S. SPENCER :

O R D E R

AND NOW, this 22<sup>nd</sup> day of April, 2008, it is the ORDER of the Court that hearing on Defendant's License Suspension Appeal in the above captioned matter shall be and is hereby scheduled for Tuesday, June 24, 2008 at 1:15 P.M. before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding, in Courtroom #2 of the Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

  
FREDERIC J. AMMERMAN  
President Judge

FILED  
04/24/08  
APR 23 2008  
(62)

William A. Shaw  
Prothonotary/Clerk of Courts

ICC Atty's: Collins  
Kuhar

**FILED**

APR 23 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 4/23/08

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

ROBERT SHANE SPENCER,  
Petitioner,

: No. 2007-1715-CD

COMMONWEALTH OF PENNSYLVANIA:  
DEPARTMENT OF TRANSPORTATION,  
Respondent

: **MOTION FOR CONTINUANCE**

: Filed on behalf of:  
Petitioner

: 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**

JUN 19 2008  
012:20 (u)  
William A. Shaw  
Prothonotary/Clerk of Courts  
5 cent to APP

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

ROBERT SHANE SPENCER,  
Petitioner,

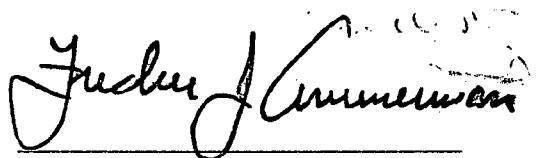
: No. 2007-1715-CD

COMMONWEALTH OF PENNSYLVANIA:  
DEPARTMENT OF TRANSPORTATION,  
Respondent

**ORDER**

AND NOW this 19<sup>th</sup> day of June, 2008, upon presentation and consideration of the Petitioner's Motion for Continuance filed in this matter, it appearing that there is sufficient cause for the same and also there appearing to be no opposition by the Department, it is the ORDER of this Court that the hearing originally scheduled for June 24<sup>th</sup>, 2008 be and is hereby CONTINUED until August 5, 2008 @ 9:30 a.m., Courtroom No 1.

BY THE COURT,



E  
FILED 5:10 AM  
07/03/2008  
JUN 20 2008  
6K

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 6-20-2008

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: *Plaintiff(s) Attorney*

**FILED**

JUN 20 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

ROBERT SHANE SPENCER,  
Petitioner,

: No. 2007-1715-CD

COMMONWEALTH OF PENNSYLVANIA:  
DEPARTMENT OF TRANSPORTATION,  
Respondent

**MOTION FOR CONTINUANCE**

AND NOW comes Robert Shane Spencer, by and through Ronald L. Collins, Esquire  
who moves your Honorable Court as follows:

1. That the above captioned matter is scheduled for hearing on June 24<sup>th</sup>, 2008 at 1:15 p.m.
2. That counsel for the Petitioner has been subpoenaed for a PCRA Hearing in Jefferson County that same day at 1:30 p.m.
3. That the PCRA Hearing in Jefferson County has already been continued on two previous occasions and involves a State Prisoner, wherefore continuing that hearing is extremely difficult.
4. That counsel for the Petitioner did speak with the attorney for the Department on June 19<sup>th</sup>, 2008 to explain the scheduling conflict.
5. That counsel for the Department indicated that he is already scheduled to be back in

Clearfield for hearings in August and that he did not oppose continuing this matter until that date in August.

WHEREFORE, Petitioner respectfully requests your Honorable Court to continue the hearing in the above matter until the date in August, 2008 when counsel for the Department is otherwise scheduled for hearings in Clearfield.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald L. Collins, Esquire".

Ronald L. Collins, Esquire

No. 2007-1715-CD

Robert Shane Spencer,  
Petitioner

vs.

Commonwealth of Pennsylvania  
Department of Pennsylvania  
Respondent

Motion for Continuance

Ronald L. Collins, Esquire

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

sobelcollins@atlanticbb.net

Prothonotary/Clerk of Courts  
William A. Shaw

JUN 19 2008

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA : :

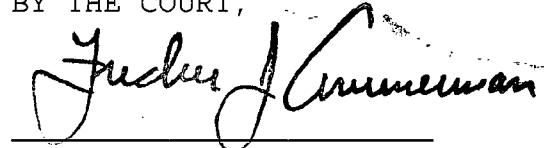
VS. : NO. 07-1715-CD

ROBERT S. SPENCER : License Suspension Appeal

O R D E R

NOW, this 5th day of August, <sup>2008</sup> ~~2004~~, this being the day and date set for hearing into the above-captioned Appeal from License Suspension; following hearing upon consideration thereof, it is the ORDER of this Court that counsel for both parties be and is hereby given twenty (20) days within which to submit letter brief to the Court.

BY THE COURT,



President Judge

FILED

01/5201  
AUG 06 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
2CC Atty's: Collins  
Kuhar

GP

**FILED**

**AUG 06 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 8/6/08

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:

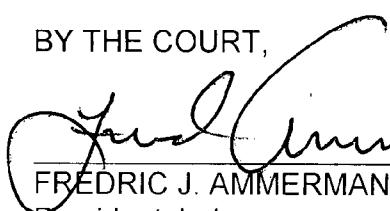
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

ROBERT S. SPENCER \* NO. 07-1715-CD  
Petitioner \*  
vs. \* License Suspension Appeal  
COMMONWEALTH OF PENNSYLVANIA \*  
Respondent

ORDER

NOW, this 29<sup>th</sup> day of August, 2008, following hearing on the Appeal from License Suspension, it is the finding of this Court that under the totality of the circumstances the Department has met its burden of proof that the State Trooper, at the time he requested the Petitioner to submit to a blood test, had a reasonable belief that the Petitioner, Robert Shane Spencer, had been operating a vehicle in violation of 75 Pa.C.S.A. § 3802. Accordingly, it is the ORDER of this Court that the Petition for Review be DISMISSED. Any Order granting a Supersedeas is hereby vacated. The Official Notice of Suspension issued by the Department is upheld.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED

013:5761  
AUG 29 2008

610

William A. Shaw  
Prothonotary/Clerk of Courts

ICC Atlys: Collins  
Kuhar

**FILED**

**AUG 29 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 8/29/08

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: