

07-1901-CD

Conn of PA vs Tammy Williams et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL ACTION - LAW

FILED <sup>4cc</sup>  
09:35 AM Atty  
NOV 20 2007 Taylor

William A. Shaw  
Prothonotary/Clerk of Courts  
Piff pd.  
85.00

COMMONWEALTH OF  
PENNSYLVANIA  
DEPARTMENT OF  
TRANSPORTATION

v.

TAMMY L. WILLIAMS  
a/k/a Tammy L. Butlin  
Petitioner

DOCKET NO.: 07-1901-CD

Filed by:

Robbie M. Taylor, Esq.  
The Taylor Law Firm  
173 Main Street  
Brookville, Pennsylvania 15825

PETITION FOR APPEAL FROM THE ORDER OF THE DIRECTOR OF THE  
BUREAU OF DRIVER LICENSING SUSPENDING OPERATING PRIVILEGES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Petition of Tammy L. Williams, by and through his attorney, Robbie M. Taylor, Esquire, filed in accordance with 75 Pa.C.S.A. § 1550, and respectfully represents the following:

1. Petitioner's residence is 1106 Treasure Lake, Du Bois, Pennsylvania 15801.
2. Petitioner is duly licensed to operate motor vehicles in the Commonwealth of Pennsylvania, Operator's License No. 21849421.
3. On October 29, 2007 the Director of the Bureau of Driver Licensing suspended Petitioner's operating privileges effective November 29, 2007; under section 3802(a) of the Pennsylvania Vehicle Code; driving under the influence (B.A.C. .08% < .10%).

Original  
upstairs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL ACTION – LAW

FILED <sup>4cc</sup>  
09/30/07 Amy  
NOV 20 2007 Taylor

William A. Shaw  
Prothonotary/Clerk of Courts  
Piff pd.  
85.00

COMMONWEALTH OF  
PENNSYLVANIA  
DEPARTMENT OF  
TRANSPORTATION

v.

TAMMY L. WILLIAMS  
a/k/a Tammy L. Butlin  
Petitioner

DOCKET NO.: 07-1901-CD

Filed by:

Robbie M. Taylor, Esq.  
The Taylor Law Firm  
173 Main Street  
Brookville, Pennsylvania 15825

**PETITION FOR APPEAL FROM THE ORDER OF THE DIRECTOR OF THE  
BUREAU OF DRIVER LICENSING SUSPENDING OPERATING PRIVILEGES**

TO THE HONORABLE JUDGE OF SAID COURT:

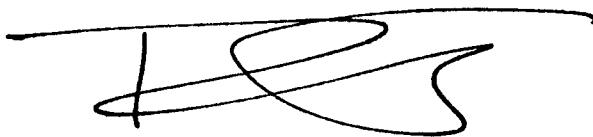
COMES NOW, the Petition of Tammy L. Williams, by and through his attorney, Robbie M. Taylor, Esquire, filed in accordance with 75 Pa.C.S.A. § 1550, and respectfully represents the following:

1. Petitioner's residence is 1106 Treasure Lake, Du Bois, Pennsylvania 15801.
2. Petitioner is duly licensed to operate motor vehicles in the Commonwealth of Pennsylvania, Operator's License No. 21849421.
3. On October 29, 2007 the Director of the Bureau of Driver Licensing suspended Petitioner's operating privileges effective November 29, 2007; under section 3802(a) of the Pennsylvania Vehicle Code; driving under the influence (B.A.C. .08% < .10%).

4. The suspension cites to 3804(e)(2)(i) to support the twelve month license suspension.
5. However, the suspension fails to take into consideration 3804(e)(2)(iii) that states, "There shall be no suspension for an ungraded misdemeanor under 3802(a) where the person is subject to the penalties provided in subsection (a) and the person has no prior offense."
6. Petitioner has no prior offense.
7. The said Order of the Director of the Bureau of Driver Licensing is illegal, arbitrary, unreasonable, and an abuse of discretion and contrary to the law.
8. The basis for the suspension of license is not one that is included within 75 Pa.C.S.A. § 1550(b)(ii), therefore an emergency hearing on the issue of supersedes is not necessary.

**WHEREFORE**, Petitioner respectfully prays that this Appeal be allowed and that a hearing de novo be granted to determine whether Petitioner is subject to suspension of operating privileges (as provided by 75 Pa.C.S.A. § 1550(c)), and that this Appeal act as a supersedes pending hearing (as provided by 75 Pa.C.S.A. § 1550(b)), and that upon conclusion thereof, the Order of the Director of Driver Licensing be vacated and the Appeal sustained.

Respectfully submitted,



Robbie M. Taylor, Esquire  
Supreme Court I.D. 89359

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

**CIVIL ACTION – LAW**

COMMONWEALTH OF  
PENNSYLVANIA  
DEPARTMENT OF  
TRANSPORTATION

DOCKET NO:

v.

TAMMY L. WILLIAMS  
a/k/a Tammy L. Butlin  
Petitioner

**CERTIFICATE OF SERVICE**

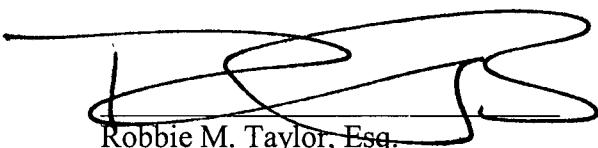
In accordance with the Pennsylvania Rules of Civil Procedure the Petition for Appeal from the Order of the Director of the Bureau of Driver Licensing was served upon following persons in the manner indicated:

Hand-delivery:

Clearfield County Court  
Clearfield, Pennsylvania

Certified Mail:

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



Robbie M. Taylor, Esq.  
Attorney for Petitioner

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

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

vs.

TAMMY L. WILLIAMS,  
a/k/a TAMMY L. BUTLIN

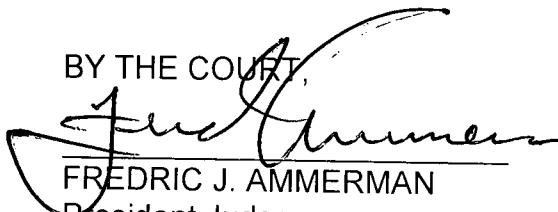
\*  
\*  
\*  
\*

NO. 07-1901-CD

ORDER

NOW, this 20<sup>th</sup> day of November, 2007, upon consideration of the foregoing Petition for Appeal from the Director of Bureau Driver Licensing, Department of Transportation, suspending the operating privileges of Tammy L. Williams and on Motion of Robbie M. Taylor, Esquire, attorney for Petitioner, an appeal hearing is granted to determine whether Petitioner is subject to suspension of her operating privileges. Hearing date shall be set by further Order of Court.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED 3cc

014-00061 NOV 20 2007

(GPO)

William A. Shaw  
Prothonotary/Clerk of Courts

Atty Taylor

**FILED**

**NOV 20 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  
 Special Instructions:

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

COMMONWEALTH OF PENNSYLVANIA :  
DEPARTMENT OF TRANSPORTATION :  
vs. : No. 07-1901-CD  
TAMMY WILLIAMS :

**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 matter has been scheduled for Tuesday, June 24, 2008 at 3:00 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:



FREDRIC J. AMMERMAN  
President Judge

FILED *10:32 AM*  
*APR 23 2008* *cc: Atlys:*  
William A. Shaw  
Prothonotary/Clerk of Courts  
Taylor  
Kuhar  
*(6P)*

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

COMMONWEALTH OF PENNSYLVANIA : :

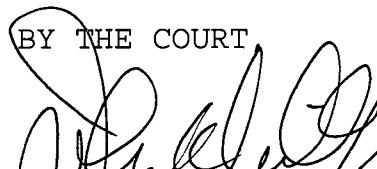
VS. : NO. 07-1901-CD

TAMMY WILLIAMS : License Suspension Appeal

O R D E R

NOW, this 24th day of June, 2008, this being the day and date set for hearing into the above-captioned Appeal from License Suspension and agreement by the parties, it is the ORDER of this Court that said license suspension appeal be and is hereby continued for a period of forty-five (45) days.

BY THE COURT

  
John K. Reilly, Jr.  
Senior Judge  
Specially Presiding

FILED <sup>acc</sup>  
07/00/08 Atty: Kuhar  
JUN 26 2008  
Taylor

William A. Shaw  
Prothonotary/Clerk of Courts

60

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

COMMONWEALTH OF PENNSYLVANIA

VS.

TAMMY WILLIAMS

\*

\*

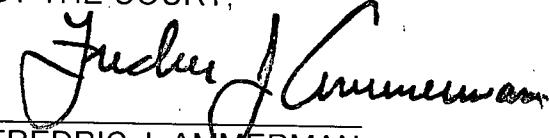
NO. 07-1901-CD

License Suspension Appeal

ORDER

NOW, this 2<sup>nd</sup> day of July, 2008, it is the ORDER of this Court that hearing on the above-captioned License Suspension Appeal be and is hereby scheduled for the **5<sup>th</sup> day of August, 2008 at 11:15 a.m.** in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED  
07-5831  
JUL 02 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
ICCA Atty's! Kuhas  
Taylor  
(610)

FILED

JUL 02 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/21/08

\_\_\_\_\_ 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 ACTION - LAW

COMMONWEALTH OF  
PENNSYLVANIA  
DEPARTMENT OF  
TRANSPORTATION

DOCKET NO.: 1901 CD 2007

v.

TAMMY L. WILLIAMS  
a/k/a Tammy L. Butlin

ORDER

AND NOW, this 4<sup>th</sup> day of August 2008, upon  
consideration of the foregoing motion to discontinue hearing that is scheduled for August  
5, 2008, it is hereby **ORDERED AND DECREED** that said motion is **GRANTED**.

BY THE COURT:

  
J.  
\_\_\_\_\_  
J.

FILED 300  
0103108  
AUG 05 2008  
Atty Taylor  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

**CIVIL ACTION – LAW**

COMMONWEALTH OF  
PENNSYLVANIA  
DEPARTMENT OF  
TRANSPORTATION

v.

TAMMY L. WILLIAMS  
a/k/a Tammy L. Butlin

DOCKET NO.: 1901 CD 2007

Filed by:

Robbie M. Taylor, Esq.  
The Taylor Law Firm  
340 Main Street  
Brookville, Pennsylvania 15825

**Motion to Discontinue Hearing**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Tammy L. Williams, by and through her attorney, Robbie M. Taylor, Esquire, files this Motion to Discontinue Hearing and provides the following in support thereof:

1. Tammy Butlin, upon entering a guilty plea to a first offense driving under the influence charge, with the b.a.c. identified as 0.09%, was told by the Pennsylvania Department of Transportation that her license would be suspended.

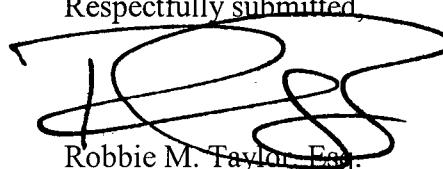
**FILED** 3cc  
MJD:24/8/08 Atty  
AUG 04 2008 Taylor  
William A. Shaw  
Prothonotary/Clerk of Courts

60

2. This suspension was appealed and on June 24, 2008, the matter came before this Court and it was identified that the sentencing order incorrectly identified the conviction as her second.
3. A motion for a corrective sentencing order was filed and granted. The sentencing order correctly reflects that this is a first offense, thereby eliminating the need for a license suspension.
4. Since the matter has been corrected, the Pennsylvania Department of Transportation will no longer be seeking a suspension of Tammy Butlin's license.

**Wherefore**, it is respectfully requested that this Honorable Court discontinue the hearing that is scheduled for August 5, 2008, since the basis for the appeal no longer exists.

Respectfully submitted,



Robbie M. Taylor, Esq.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

**CIVIL ACTION – LAW**

COMMONWEALTH OF  
PENNSYLVANIA  
DEPARTMENT OF  
TRANSPORTATION

DOCKET NO.: 1901 CD 2007

v.

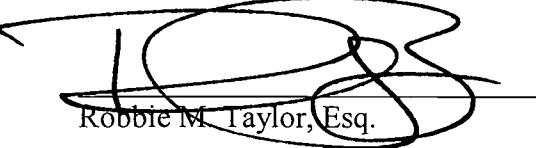
TAMMY L. WILLIAMS  
a/k/a Tammy L. Butlin  
Petitioner

**CERTIFICATE OF SERVICE**

In accordance with the Pennsylvania Rules of Civil Procedure the Motion to  
Discontinue Hearing was served upon following persons in the manner indicated:

First Class U.S. Mail:

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



Robbie M. Taylor, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL ACTION – LAW

COMMONWEALTH OF  
PENNSYLVANIA  
DEPARTMENT OF  
TRANSPORTATION

DOCKET NO.: 1901 CD 2007

v.

TAMMY L. WILLIAMS  
a/k/a Tammy L. Butlin

ORDER

AND NOW, this 7<sup>th</sup> day of August 2008, upon  
consideration of the foregoing Praeclipe to Close it is hereby **ORDERED AND**  
**DECREED** that this matter is **CLOSED**.

BY THE COURT:



J. Zimmerman

FILED 3CC  
013-17624 Atty Taylor  
AUG 07 2008

GD  
William A. Shaw  
Prothonotary/Clerk of Courts

FILED

AUG 06 2008

W/10:40AM  
William A. Shaw  
Prothonotary/Clerk of Courts

3 Cents to Attm

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL ACTION – LAW

COMMONWEALTH OF  
PENNSYLVANIA  
DEPARTMENT OF  
TRANSPORTATION

DOCKET NO.: 1901 CD 2007

v.

TAMMY L. WILLIAMS  
a/k/a Tammy L. Butlin

Praecipe to Close Case

Comes now, Tammy L. Williams, by and through her attorney, Robbie M. Taylor, Esquire, files this Praecipe to Close Case and provides the following in support thereof:

1. This matter has been concluded with a corrective DL-21 being forwarded to the Pennsylvania Department of Transportation and they, in turn, have agreed that a license suspension is not warranted.

Wherefore, it is respectfully requested that this matter be closed.

Respectfully Submitted,

Robbie M. Taylor, Esq.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

**CIVIL ACTION – LAW**

COMMONWEALTH OF  
PENNSYLVANIA  
DEPARTMENT OF  
TRANSPORTATION

DOCKET NO.: 1901 CD 2007

v.

TAMMY L. WILLIAMS  
a/k/a Tammy L. Butlin  
Petitioner

**CERTIFICATE OF SERVICE**

In accordance with the Pennsylvania Rules of Civil Procedure the Praeclipe to  
Close Case was served upon following persons in the manner indicated:

First Class U.S. Mail:

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

  
Robbie M. Taylor, Esq.