

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION - LAW

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NOV 20 2007 Taylor
William A. Shaw
Prothonotary/Clerk of Courts
Piff pd.
85.00

COMMONWEALTH OF
PENNSYLVANIA
DEPARTMENT OF
TRANSPORTATION

DOCKET NO.:

07-1901-CD

Filed by:

v.

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

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%).

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION – LAW

COMMONWEALTH OF
PENNSYLVANIA
DEPARTMENT OF
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**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,

A handwritten signature in black ink, appearing to be "Robbie M. Taylor", written over a horizontal line.

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

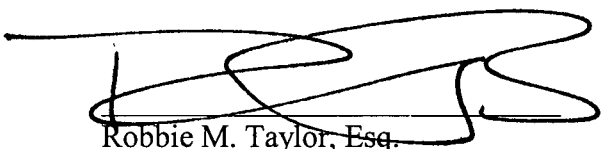
In accordance with the Pennsylvania Rules of Civil Procedure the Petition for Appeal from the Order of the Director of the Bureau of Driver Licensing was served upon following persons in the manner indicated:

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

6A

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

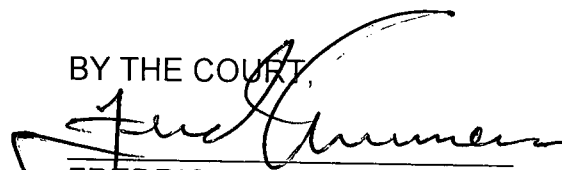
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NO. 07-1901-CD

ORDER

NOW, this 20th 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

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014:0001
NOV 20 2007

302

Atty Taylor

(GP)

William A. Shaw
Prothonotary/Clerk of Courts

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.

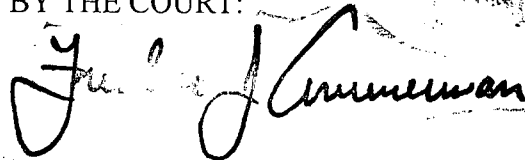
TAMMY WILLIAMS

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:
No. 07-1901-CD
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ORDER

AND NOW, this 22nd 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 1CC Atty's:
019132/BA
APR 23 2008
Taylor
Kuhar

William A. Shaw
Prothonotary/Clerk of Courts

(612)

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

COMMONWEALTH OF PENNSYLVANIA :

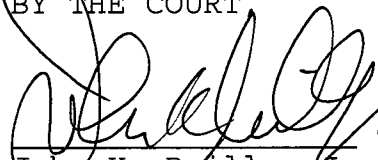
VS. : NO. 07-1901-CD

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 ^{2cc}
JUN 26 2008

William A. Shaw
Prothonotary/Clerk of Courts

Atty: Kuhar
Taylor

@

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

COMMONWEALTH OF PENNSYLVANIA

vs.

TAMMY WILLIAMS

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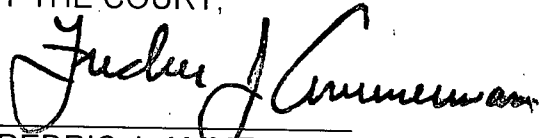
NO. 07-1901-CD

License Suspension Appeal

ORDER

NOW, this 2nd 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 **5th 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

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012:5861
JUL 02 2008

William A. Shaw
Prothonotary/Clerk of Courts
1CC Atty's: Kuhar
Taylor
610

FILED

JUL 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/2/08

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X 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 4th 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:

Frederick J. Cunningham
_____ J.

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01:10:31 PM Amy Taylor
AUG 05 2008 (62)

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.

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m72:2461 Amy
AUG 04 2008 Taylor

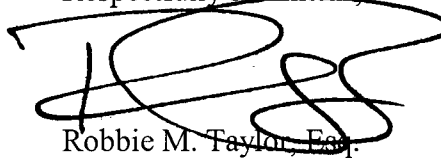
William A. Shaw
Prothonotary/Clerk of Courts

GL

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,

A handwritten signature in black ink, appearing to be "Robbie M. Taylor", written over a horizontal line.

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.

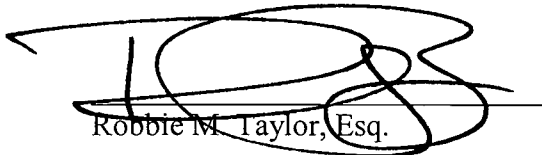
TAMMY L. WILLIAMS
a/k/a Tammy L. Butlin
Petitioner

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.

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UA

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 7th day of AUGUST 2008, upon

consideration of the foregoing Praecipe to Close it is hereby **ORDERED AND**

DECREED that this matter is **CLOSED**.

BY THE COURT:

Frederick J. Cunningham J.

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AUG 07 2008

Atty Taylor

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William A. Shaw
Prothonotary/Clerk of Courts

FILED
AUG 06 2008 ^{EW}
m/10:40/w
William A. Shaw
Prothonotary/Clerk of Courts
3 cert to App

**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 Praecipe 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.