

08-25-CD
A. Livergood vs Comm of PA

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

AMY DANIELLE LIVERGOOD,
Petitioner

vs. : No. 08-25-CD

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION,
Respondent

: PETITION FOR REVIEW
: Filed on behalf of:
: Amy Danielle Livergood
: 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

Original upstairs

FILED 500
01-34811 Atty Collins
JAN 10 2008
Atty p.d.
William A. Shaw
Prothonotary/Clerk of Courts 95.00

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: Counsel for this party:
Ronald L. Collins, Esquire

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vs. : No.

COMMONWEALTH OF PENNSYLVANIA :
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Respondent

PETITION FOR REVIEW

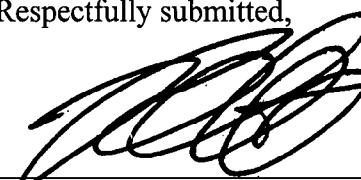
AND NOW comes Petitioner, Amy Danielle Livergood, by and through Ronald L. Collins, Esquire, who Petitions your Honorable Court as follows:

1. That Petitioner is Amy Danielle Livergood, of 3165 Trout Run Road, Frenchville, Pennsylvania, 16830.
2. That Petitioner's Driver License No. 2521970.
3. That Respondent is the Commonwealth of Pennsylvania, Department of Transportation.
4. That by Official Notice dated December 14, 2007 and attached hereto as Exhibit "A", Respondent did issue a suspension of Petitioner's driving privilege for a period of one (1) year.
5. That the purported basis for the suspension was that petitioner was convicted of the offense of Driving Under the Influence, 75 Pa. C.S.A. §3802 (a)(1) on November 13, 2007.
6. That Respondent did not have the authority to issue said suspension in that Petitioner's conviction was for a Tier 1 violation under 75 Pa. C.S.A. §3802 (a) with a blood alcohol content of .09, Petitioner had no prior offense, and Petitioner was otherwise subjected to the penalties set forth under 75 Pa. C.S.A. §3802 (a). A copy of the Sentence imposed on November 13, 2007 is hereinafter attached as Exhibit "B".

7. That pursuant to 75 Pa. C.S.A. §3804 (e)(2) (iii), no suspension should have been issued.

WHEREFORE, Petitioner respectfully requests your Honorable Court to review the actions of Respondent and issue an Order directing it to rescind the suspension issued in this matter.

Respectfully submitted,



Ronald L. Collins, Esquire

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: DECEMBER 14, 2007

AMY DANIELLE LIVERGOOD
3165 TROUT RUN ROAD
FRENCHVILLE PA 16836

WID # 073416117285433 001
PROCESSING DATE 12/07/2007
DRIVER LICENSE # 25219270
DATE OF BIRTH 12/03/1978

Dear MS. LIVERGOOD:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 3804E2I of the Pennsylvania Vehicle Code. As a result of your 11/13/2007 conviction of violating Section 3802A1 of the Vehicle Code DUI GENERAL IMPAIRMENT on 01/06/2007:

- Your driving privilege is SUSPENDED for a period of 1 YEAR(S) effective 01/18/2008 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 acknowledge this suspension of your driving privilege. You will not receive credit toward serving any suspension until we receive your acknowledgment form. You may surrender the acknowledgment form before this date, 01/18/2008, for earlier credit. Complete the following steps to acknowledge this suspension:

1. Complete the enclosed DL-16LC acknowledgment form.
2. Be sure to sign the form.
3. Return the form to:

Pennsylvania Department of Transportation
Bureau of Driver Licensing
P.O. Box 68693
Harrisburg, PA 17106-8693

4. Upon receipt, review and acceptance of this acknowledgment, PennDOT will send you a receipt confirming the date that credit began. If you do not receive a receipt from us within 3 weeks of mailing your

EXHIBIT

"A"

073416117285433

documents, 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.

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.

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, DECEMBER 14, 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 the enclosed DL-16LC acknowledgment form to PennDOT by 01/18/2008.

073416117285433

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

Ron Collins

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA : :

VS. : CP-17-CR-137-2007

AMY D. LIVERGOOD : :

S E N T E N C E

NOW, this 13th day of November, 2007, Defendant having entered Pleas of Guilty to charges of Driving Under the Influence (BAC .09) of Alcohol under Section 3802(a), an Ungraded Misdemeanor; Disorderly Conduct, a Misdemeanor of the Third Degree; and Summary Offenses as will follow; she being fully and competently represented by counsel and the Court being satisfied that she has knowingly, voluntarily and intelligently entered said Pleas, it is the SENTENCE of this Court that, on the charge of Driving Under the Influence, she pay for the benefit of Clearfield County the sum of Three Hundred (\$300.00) Dollars, together with costs of prosecution; that she be placed on Probation for a period of six (6) months under the supervision and control of Clearfield County Department of Probation Services, Adult Division, among the terms and conditions of which shall be that, effective immediately, she absolutely refrain from the possession or use of alcoholic beverages, nor shall she enter any establishment where alcohol is sold, provided or permitted unless strictly for purposes of employment; that she attend and successfully complete the

EXHIBIT

tabler

"B"

Clearfield County DUI School within eight (8) weeks from date of hereof for which she shall pay costs of One Hundred Seventy-five (\$175.00) Dollars, together with any follow-up recommended, and pay costs associated therewith; that she complete a full drug and alcohol assessment at Gateway Drug and Alcohol Treatment Program, together with any follow-up recommendations, and that she be responsible for all costs associated therewith.

On the charge of Disorderly Conduct, that she pay for the benefit of Clearfield County the sum of Fifty (\$50.00) Dollars, together with costs of prosecution; that she be placed on Probation for a period of one (1) year under the supervision and control of Clearfield County Department of Probation Services, Adult Division, to be served consecutive to that as set forth above and under the same terms and conditions. Further, she shall have no contact with Paul or Carol Wilkinson or any member of their immediate family; she shall successfully complete one hundred (100) hours of community service.

On the Summary Offense of Disorderly Conduct, that she pay a fine of Twenty-five (\$25.00) Dollars, and costs of prosecution.

On the Summary Offense of Public Drunkenness, that she pay a fine of Twenty-five (\$25.00) Dollars, and costs of prosecution.

On the Summary Offense of Traffic Control Signal, that she pay a fine of Thirty-five (\$35.00) Dollars, and costs

of prosecution.

On the Summary Offense of Safe Speed, that she pay a fine of Thirty-five (\$35.00) Dollars, and costs of prosecution.

BY THE COURT,

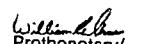
/s/ Fredric J. Ammerman

President Judge

I hereby certify this to be a true and attested copy of the original statement filed in this case.

NOV 21 2007

Attest.


William J. Ammerman
Prothonotary/
Clerk of Courts

NO.

Amy Danielle Livergood,
Petitioner

vs.

Commonwealth of Pennsylvania,
Department of Transportation,
Respondent

Petition for Review

Prothonotary/Clerk of Courts
William A. Shaw

Ronald L. Collins, Esquire

JAN 10 2008

FILED

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

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

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
PLAINTIFF, :
:
v. : No. 2008-CD-25
:
AMY LIVERGOOD, :
DEFENDANT. :
:

ORDER OF COURT

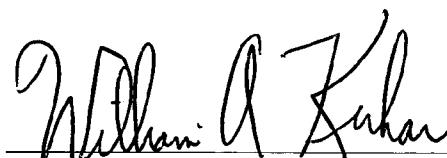
AND NOW, to wit: this 1 day of April, 2008, in view of the sentencing order entered by the Court of Common Pleas of Clearfield County on November 13, 2007 in the criminal action instituted against the petitioner, Amy Livergood, for violating 75 Pa.C.S. § 3802(a)(1) on January 8, 2007, this appeal by the petitioner from the December 14, 2007 order of the Department of Transportation's Bureau of Driver Licensing for the suspension of her driving privilege for a period of one (1) year pursuant to 75 Pa. C.S. § 3804(e)(2)(i), is, with the consent of the Bureau, remanded to the Bureau for rescission of the appealed one (1) year suspension, 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
O 11:00 AM 6/2
APR 01 2008
William A. Shaw
Prothonotary/Clerk of Courts
I CC Atty's:
Kuhar
Collins


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

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
PLAINTIFF,

v.

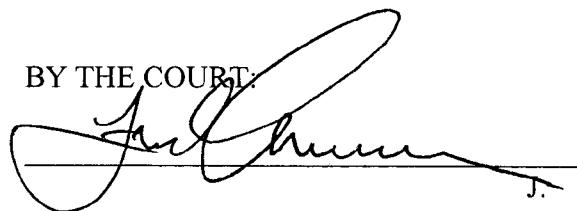
No. 2008-CD-25

AMY LIVERGOOD,
DEFENDANT.

ORDER OF COURT

AND NOW, to wit: this 14 day of April, 2008, in view of the sentencing order entered by the Court of Common Pleas of Clearfield County on November 13, 2007 in the criminal action instituted against the petitioner, Amy Livergood, for violating 75 Pa.C.S. § 3802(a)(1) on January 8, 2007, this appeal by the petitioner from the December 14, 2007 order of the Department of Transportation's Bureau of Driver Licensing for the suspension of her driving privilege for a period of one (1) year pursuant to 75 Pa. C.S. § 3804(e)(2)(i), is, with the consent of the Bureau, remanded to the Bureau for rescission of the appealed one (1) year suspension, if such action has not already been taken.

BY THE COURT:



Consented to:



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

FILED

APR 14 2008
8/2:45 PM

William A. Shaw
Prothonotary/Clerk of Courts

4 CENTS TO
ATTY. (6K)

No. 2008-CD-25

Commonwealth of Pennsylvania
Department of Transportation
Plaintiff

vs.

Amy Livergood,
Defendant

ORDER OF COURT

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

sobcollins@atlanticbb.net