

Mr. : Messrs. Comm. of DA

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

MIRIAM MARGARET MYERS,
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

No. 08-890-CD

PETITION FOR REVIEW

Filed on behalf of:
Miriam Margaret Myers

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
012:4637
MAY 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

4CC
Atty Collins
Atty pd. \$95.00

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VS.

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DEPARTMENT OF TRANSPORTATION,
Respondent

NO. No. 08-890-CD

FILED

JUN 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

3 cent to Att

**PRAECIPE TO WITHDRAW
PETITION FOR REVIEW**

Filed on behalf of:
Paul E. Greene, Defendant

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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NO. No. 08-890-CD

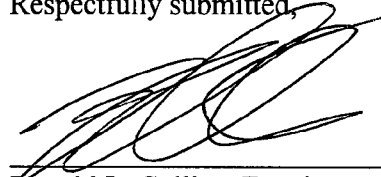
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

:

To the William Shaw, Prothonotary:

Please withdraw my Petition for Review in regards to the above captioned matter.

Respectfully submitted,



Date:

Ronald L. Collins, Esquire

No. 08-890-CD

Miriam Margaret Myers,
Petitioner

vs.

Commonwealth of Pennsylvania
Department of
Transportation,
Respondent

Praecipe to Withdraw
Petition for Review

Ronald L. Collins, Esquire

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

William A. Shaw
Prothonotary/Clerk of Courts

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Miriam Margaret Myers

Counsel for this party:

Ronald L. Collins, Esquire

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Sobel & Collins

Attorneys at Law

218 South Second Street

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(814)765-5552

FAX (814)765-6210

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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MIRIAM MARGARET MYERS,
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vs.

No.

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DEPARTMENT OF TRANSPORTATION,
Respondent

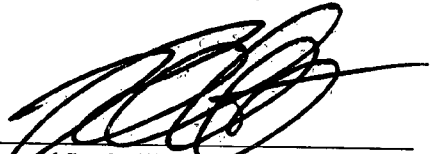
PETITION FOR REVIEW

AND NOW comes Petitioner, Miriam Margaret Myers, by and through Ronald L. Collins, Esquire, who Petitions your Honorable Court as follows:

1. That Petitioner is Miriam Margaret Myers, of 209 West Main Street, Sykesville, Pennsylvania, 1565.
2. That Petitioner's Driver License No. 20488444.
3. That Respondent is the Commonwealth of Pennsylvania, Department of Transportation.
4. That by Official Notice dated April 15, 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 March 25, 2008
6. That Respondent did not have the authority to issue said suspension in that Petitioner's conviction was for a Tier I 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 said Sentence imposed on March 25, 2008 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: APRIL 15, 2008

MIRIAM MARGARET MYERS
209 W MAIN ST
SYKESVILLE PA 15865

WID # 080996676333670 001
PROCESSING DATE 04/08/2008
DRIVER LICENSE # 20488444
DATE OF BIRTH 02/27/1947

Dear MS. MYERS:

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 03/25/2008 conviction of violating Section 3802A2 of the Vehicle Code DUI BAC .08-<.10 on 12/26/2006:

- * Your driving privilege is **SUSPENDED** for a period of 1 YEAR(S) effective 05/20/2008 at 12:01 a.m.

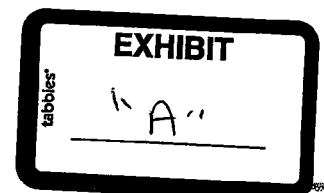
Before PennDOT can restore your driving privilege, you must follow the instructions in this letter for **COMPLYING WITH THIS SUSPENSION**, **PAYING THE RESTORATION FEE** and **PROVIDING PROOF OF INSURANCE**. You should follow ALL instructions very carefully. Even if you have served all the time on the suspension/revocation, we cannot restore your driving privilege until all the requirements are satisfied.

COMPLYING WITH THIS SUSPENSION

You must return all current Pennsylvania driver's licenses, learner's permits, temporary driver's licenses (camera cards) in your possession on or before 05/20/2008. You may surrender these items before, 05/20/2008, 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.



080996676333670

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.

IGNITION INTERLOCK

Before your driving privilege can be restored you are required by law to have all vehicle(s) owned by you to be equipped with an Ignition Interlock System. This is a result of your conviction for Driving Under the Influence. You will receive more information regarding this requirement approximately 30 days before your eligibility date.

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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.

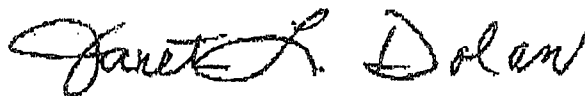
APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, APRIL 15, 2008, 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 05/20/2008.

Sincerely,



Janet L. Dolan, Director
Bureau of Driver Licensing

	<u>INFORMATION 8:00 a.m. to 6:00 p.m.</u>	
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>www.dmv.state.pa.us</u>	

Collins Eng

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA :

VS. : CP-17-CR-300-2007

MIRIAM M. MYERS :

S E N T E N C E

NOW, this 25th day of March, 2008, Defendant having entered Pleas of Guilty to Driving Under the Influence (BAC .09) under Section 3802(a), an Ungraded Misdemeanor; 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 Three Hundred (\$300.00) Dollars, together with costs of prosecution; that she be and remain on Probation under the supervision and control of the Clearfield County Department of Probation Services, Adult Division, for a period of six (6) months, among the terms and conditions of which shall be that, effective immediately, she shall absolutely refrain from the possession and/or use of alcoholic beverages and controlled substances, nor shall she enter any establishment that sells, permits or provides alcohol or alcoholic beverages; that she attend and successfully complete the Clearfield County DUI School within eight (8) weeks from date 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; she shall attend and successfully complete any counseling as recommended by her supervising Probation Officer and shall be responsible for all costs associated therewith.

On the Summary Offense of Driving on Right Side of Roadway, that she pay a fine of Thirty-five (\$35.00) Dollars, and costs of prosecution.

BY THE COURT,

/s/ Paul E. Cherry

Judge

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

MAR 28 2008

Attest.

William L. Cherry
Prothonotary/
Clerk of Courts

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vs.	Commonwealth of Pennsylvania, Department of Transportation, Respondent
Petition for Review	
Ronald L. Collins, Esquire	

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