

PROCEDURE FOR FILING DRIVER'S LICENSE APPEAL

1. Attorney must bring all the paperwork needed when filing Driver's License Appeal to Judge. After Judge signs the Order the appeal can be filed into Circuit Civil Clerk's Office. They will not take it until signed by the Judge. Judge will not sign Order unless entire package is ready to hand to the Clerk, including check and envelopes for certified mail.
2. Circuit Civil sends Order and Summons to Montgomery where it is approved by the Attorney General and Dept. of Public Safety.
3. When it comes back from Montgomery the Clerk will send it to the Judge for a Court date and then mail out the Court Appearance Notices.

WHAT IS NEEDED

COVER SHEET - Original and 3 copies

ORDER STAYING SUSPENSION OF DRIVER'S LICENSE - Original and 3 copies

PETITION FOR JUDICIAL REVIEW of PROPOSED SUSPENSION OF DRIVING PRIVILEGE - Original and 3 copies

SUMMONS - Original and 3 copies each to:

① **Troy King, Attorney General**

② **Col. Chris Murphy Alabama Dept. of Public Safety**

Submit with your Check for Court Costs of \$206.00 and Certified Mail ENVELOPES to Attorney General and Dept. of Public Safety at \$10.00 each. Make check payable to: Anne Marie Adams, Clerk.

Certified Mail forms completed WITH ENVELOPES to Attorney General and Dept. of Public Safety.

PLEASE REMEMBER YOUR 2 ENVELOPES

(THE COURT DOES NOT FURNISH ENVELOPES)

COVER SHEET CIRCUIT COURT - CIVIL CASE

(Not For Domestic Relations Cases)

Case Number

Date of Filing:
Month Day Year Judge Code:

GENERAL INFORMATION

IN THE CIRCUIT COURT OF _____ JEFFERSON COUNTY _____, ALABAMA
(Name of County)

v. _____ Col. _____ Dir. of AL Dept. of

Plaintiff

First Plaintiff

- Business
- Individual
- Government
- Other

Defendant

First Defendant

- Business
- Government
- Individual
- Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonness
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: _____

TORTS: PROPERTY INJURY

- TOPE - Personal Property
- TORE - Real Property

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Services

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP - Contempt of Court
- CONT - Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- CVUD - Eviction Appeal/Unlawful Detainer
- FORJ - Foreign Judgment
- FORF - Fruits of Crime Forfeiture
- MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB - Protection From Abuse
- FELA - Railroad/Seaman (FELA)
- RPRO - Real Property
- WTEG - Will/Trust/Estate/Guardianship/Conservatorship
- COMP - Workers' Compensation
- CVXX - Miscellaneous Circuit Civil Case
Driver's Licnese Petition

ORIGIN (check one):

- F INITIAL FILING
- R REMANDED
- A APPEAL FROM DISTRICT COURT
- T TRANSFERRED FROM OTHER CIRCUIT COURT
- O OTHER: _____

HAS JURY TRIAL BEEN DEMANDED? YES NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

RELIEF REQUESTED: MONETARY AWARD REQUESTED NO MONETARY AWARD REQUESTED

ATTORNEY CODE:

Date

Signature of Attorney/Party filing this form

MEDIATION REQUESTED: YES NO UNDECIDED

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

NAME OF PLAINTIFF)
)
 Plaintiff,)
)
 v.)
)
 COLONEL)
)
 as DIRECTOR OF THE ALABAMA)
 DEPARTMENT OF PUBLIC SAFETY,)
)
 Defendant.)

CIVIL ACTION NUMBER

ORDER STAYING SUSPENSION OF DRIVER'S LICENSE

This cause coming before the Court on the Plaintiff's Motion for Order Staying Suspension of Driver's License, and the same being well taken, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. The suspension of the Plaintiff's driver's license, Alabama license number 4544467, is hereby stayed pending a full hearing on the appeal of this case in this Honorable Court.

DONE and ORDERED this the _____ day of _____, 2002.

Circuit Court Judge

Name and
Address of
Attorney for Plaintiff

Colonel
Alabama Department of Public Safety
P.O. Box 1471
Montgomery, Alabama 36102-1471

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

Plaintiff,)
)
) CIVIL ACTION NUMBER
)
v.)
)
COLONEL)
)
as DIRECTOR OF THE ALABAMA)
DEPARTMENT OF PUBLIC SAFETY,)
)
Defendant.)

PETITION FOR JUDICIAL REVIEW of
PROPOSED SUSPENSION OF DRIVING PRIVILEGE

COMES now Petitioner/Plaintiff, _____, and hereby petitions this Honorable Court for an Order setting aside the Administrative Suspension of Petitioner/Plaintiff's driving privilege and as grounds therefore respectfully shows on to the Court as follows:

1. That on or about April 20, 2002, the Petitioner was arrested and charged with driving under the influence of alcohol.
2. That Petitioner will suffer irreparable harm and damage by the suspension of his driving privilege. His automobile liability and collision coverage will be canceled. He will be unable to drive to work and will lose his job.
3. That unless the Court enters an Order directing that the Director of the Department of Public Safety reinstate Petitioner's license that Petitioner will suffer the aforesaid irreparable harm and damage.

4. That there is not sufficient factual or legal basis to sustain the suspension of the
Petitioner's's driving privilege.

RESPECTFULLY SUBMITTED,

Attorney's Name
Attorney for Petitioner

OF COUNSEL:

Attorney's Name
123 Jefferson Avenue
Suite 101
Birmingham, Alabama 35205
(205) 555-4567

**PLEASE SERVE DEFENDANT & ATTORNEY GENERAL
BY CERTIFIED MAIL**

Plaintiff's Address

Plaintiff's Name
123 Home Street
Birmingham, Alabama 35211

Defendant's Address

Colonel
Alabama Department of Public Safety
P.O. Box 1471
Montgomery, Alabama 36102-1471

Other person served

Attorney General
Alabama State House
11 South Union Street
Montgomery, Alabama 36130

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

NAME OF PLAINTIFF)
)
 Plaintiff,)
)
 v.)
)
 COLONEL)
)
 as DIRECTOR OF THE ALABAMA)
 DEPARTMENT OF PUBLIC SAFETY,)
)
 Defendant.)

CIVIL ACTION NUMBER

SUMMONS

To any person authorized by either Rules 4.1(b)(2) or 4.2(b)(2) of the Alabama Rules of Civil Procedure to effect service. You are hereby commanded to serve this summons and a copy of the petition for judicial review of proposed suspension of driving privilege and order staying drivers license, by certified mail, in this action upon defendant:

Attorney General
Alabama State House
11 South Union Street
Montgomery, Alabama 36130

NOTICE TO DEFENDANT

The complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the complaint to _____, attorney for the Plaintiff, whose address is:

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this court within a reasonable time afterward.

Date

Clerk of the Court

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

NAME OF PLAINTIFF)
)
 Plaintiff,)
)
 v.)
)
 COLONEL)
)
 as DIRECTOR OF THE ALABAMA)
 DEPARTMENT OF PUBLIC SAFETY,)
)
 Defendant.)

CIVIL ACTION NUMBER

SUMMONS

To any person authorized by either Rules 4.1(b)(2) or 4.2(b)(2) of the Alabama Rules of Civil Procedure to effect service. You are hereby commanded to serve this summons and a copy of the petition for judicial review of proposed suspension of driving privilege and order staying drivers license, by certified mail, in this action upon defendant:

Colonel
Alabama Department of Public Safety
P.O. Box 1471
Montgomery, Alabama 36102-1471

NOTICE TO DEFENDANT

The complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the complaint to _____ attorney for the Plaintiff, whose address is:

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this court within a reasonable time afterward.

Date

Clerk of the Court

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Attorney General
11 South Union Street
Montgomery, AL 36130

2. Article Number

(Transfer from service label) 7000 1670 0012 0278 7071

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressee
- B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
- Certified Mail
 - Express Mail
 - Registered
 - Return Receipt for Merchandise
 - Insured Mail
 - C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

7000 1670 0012 0278 7071



PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS
FOLD AT DOTTED LINE
CERTIFIED MAIL

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Sent To

Street, Apt. No., or PO Box No.
11 South Union Street
Montgomery, AL 36130
City, State, ZIP+4

PS Form 3803, July 2000

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Col.
AL Dept. of Public Safety
P.O. Box 1471
Montgomery, AL 36102-1471

2. Article Number

(Transfer from service label) 7000 1670 0012 0278 7187

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressee
- B. Received by (Printed Name) C. Date of Delivery

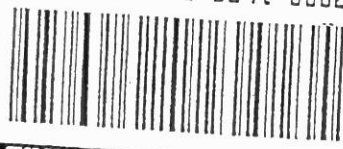
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
- Certified Mail
 - Express Mail
 - Registered
 - Return Receipt for Merchandise
 - Insured Mail
 - C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

7000 1670 0012 0278 7187



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TO THE RIGHT OF RETURN ADDRESS
FOLD AT DOTTED LINE
CERTIFIED MAIL

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Sent To

Street, Apt. No., or PO Box No.
AL Dept. of Public Safety
P.O. Box 1471
Montgomery, AL 36102-1471
City, State, ZIP+4

PS Form 3803, May 2000

See Reverse for Instructions