

SUPREME COURT OF PENNSYLVANIA

Freundt v. Commonwealth, Department of Transportation, Bureau of Driver Licensing, 584 Pa. 283

883 A.2d 503 (Pa. 2005) · Decided September 28, 2005

SUMMARY

The Supreme Court of Pennsylvania held that 75 Pa.C.S. § 1532(c) requires a single driver's-license suspension for drug convictions arising from a single criminal episode, rather than separate suspensions for each conviction. Because the record did not establish distinct criminal episodes, the court affirmed the Commonwealth Court's order imposing one six-month suspension.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Chief Justice Cappy; Cappy, C.J.; Castille, J.; Nigro, J.; Newman, J.; Saylor, J.; Eakin, J.; Baer, J.
JURISDICTION	Pennsylvania
DECIDED	September 28, 2005
DISPOSITION	affirmed
PROCEDURAL POSTURE	PennDOT appealed the Commonwealth Court's reversal of a trial court order reinstating sixteen separate driver's-license suspensions. The Supreme Court granted allowance of appeal to interpret 75 Pa.C.S. § 1532(c).
STANDARD OF REVIEW	Plenary review of the legal question of statutory construction.
PRECEDENTIAL VALUE	Published precedential decision of the Supreme Court of Pennsylvania
PARTIES	Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing v. Susan Silvonek Freundt

TOPICS

statutory interpretation plain meaning rule administrative law judicial review of agency action

PRACTICE AREAS

administrative law motor vehicle law statutory interpretation

QUESTIONS PRESENTED

1. Whether 75 Pa.C.S. § 1532(c) requires a separate driver's-license suspension for each conviction of a specified drug offense or a single suspension when multiple convictions arise from one criminal episode.
2. Whether the absence of distinct dates in the criminal information established that Freundt's sixteen convictions arose from a single criminal episode for purposes of § 1532(c).

HOLDINGS

1. For purposes of 75 Pa.C.S. § 1532(c), an offense is a single criminal episode. Multiple convictions arising from one criminal episode therefore warrant a single license suspension, while convictions arising from separate criminal episodes may warrant separate suspensions.
2. Freundt's sixteen convictions constituted a single offense because the record did not identify distinct dates for the individual counts or otherwise establish separate criminal episodes. Accordingly, only one six-month suspension was appropriate.

KEY QUOTATIONS

“Accordingly, we hold that since a conviction of an offense is a conviction stemming from a criminal episode, an offense for the purpose of § 1532(c) is a single criminal episode.” (506-507)

“Therefore, Appellee's conviction was for a single “offense,” within the meaning of that term in this statute, that is, a single criminal episode.” (508)

FACTUAL BACKGROUND

Susan Silvonek Freundt, a pharmacist, misappropriated controlled substances from her employer for personal use. She pleaded guilty to sixteen counts of acquiring controlled substances by misrepresentation, fraud, forgery, deception, or subterfuge, with all counts charged in one criminal information covering a three-and-one-half-month period. PennDOT imposed sixteen separate license suspensions after receiving separate conviction reports, but the record did not specify distinct dates for the individual violations.

PROCEDURAL HISTORY

Freundt pleaded guilty to sixteen drug-related counts arising from conduct occurring between June 30, 1997, and October 16, 1997. PennDOT imposed sixteen separate suspensions. The Carbon County Court of Common Pleas denied Freundt's appeal and reinstated the suspensions, but the Commonwealth Court reversed and ordered a single six-month suspension. The Pennsylvania Supreme Court affirmed the Commonwealth Court.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Bavusa, 574 Pa. 620, 832 A.2d 1042 (2003)
- P.R. v. Commonwealth, 569 Pa. 123, 801 A.2d 478 (2002)

- Rossi v. Commonwealth, 580 Pa. 238, 860 A.2d 64 (2004)
- St. Joseph Lead Co. v. Potter Township, 398 Pa. 361, 157 A.2d 638 (1959)
- Ieropoli v. AC & S Corp., 577 Pa. 138, 842 A.2d 919 (2004)
- Commonwealth v. Gilmour Manufacturing Co., 573 Pa. 143, 822 A.2d 676 (2003)
- Gregg v. Commonwealth, 851 A.2d 253 (Pa. Cmwlth. 2004)
- Carter v. Commonwealth, 838 A.2d 869 (Pa. Cmwlth. 2003)
- Yadzinski v. Commonwealth, 723 A.2d 263 (Pa. Cmwlth. 1999)
- Lauer v. Commonwealth, 666 A.2d 779 (Pa. Cmwlth. 1995)
- Brosius v. PennDOT, 664 A.2d 199 (Pa. Cmwlth. 1995)
- Heisterkamp v. Commonwealth, 644 A.2d 262 (Pa. Cmwlth. 1994)
- Commonwealth v. Hardy, 635 A.2d 230 (Pa. Cmwlth. 1993)
- Commonwealth v. Williams, 539 Pa. 249, 652 A.2d 283 (1994)

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