

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
v.	:	
	:	
WILLIE R. TRAVIS	:	
	:	
Appellant	:	No. 213 MDA 2026

Appeal from the Judgment of Sentence Entered January 14, 2026
In the Court of Common Pleas of Dauphin County Criminal Division at
No(s): CP-22-SA-0000250-2025

BEFORE: KUNSELMAN, J., KING, J., and STEVENS, P.J.E.*

MEMORANDUM BY KUNSELMAN, J.: **FILED: SEPTEMBER 4, 2026**

In this traffic-citation matter, Willie R. Travis appeals, *pro se*, from the judgment of sentence imposing a \$200 fine, entered after the trial court dismissed his summary appeal as meritless.¹ The magisterial district court

* Former Justice specially assigned to the Superior Court.

¹ We note that “dismissed as meritless” is an improper trial-court disposition of a summary appeal. Where, as here, a summary-offense defendant timely appeals to a court of common pleas, a “judgment affirming the [magisterial-district-court sentence], dismissing the appeal, or sustaining the appeal is not sufficient and will be reversed.” ***Commonwealth v. Toner***, 663 A.2d 202, 204 (Pa. Super 1995) (quoting ***Commonwealth v. Ragoli***, 524 A.2d 933, 939 (Pa. Super. 1987)). “This Court has repeatedly held that, in an appeal from a summary judgment to the court of common pleas, the judgment of the common pleas court should be either ‘guilty’ or ‘not guilty’.” ***Id.*** Nevertheless, Mr. Travis does not claim that the dismissal disposition of his summary appeal (as opposed to a *de novo* finding of “guilty” or “not guilty”) was procedurally erroneous. This Court typically may not “consider any issue if it has not been set forth in or [is] suggested by an appellate brief’s statement of questions involved, Pa.R.A.P. 2116(a), and any issue not raised in a statement of matters complained of on appeal is deemed waived.” ***Krebs v. United Ref. Co. of Pennsylvania***, 893 A.2d 776, 797 (Pa. Super. 2006). Thus, by failing
(Footnote Continued Next Page)

convicted Travis of driving with a suspended license,² and the court of common pleas affirmed. Because, at the trial *de novo*, the Commonwealth submitted no evidence that Mr. Travis knew his license was suspended on the date in question, we vacate the sentence and dismiss the Commonwealth's Traffic Citation with prejudice.

On May 11, 2024, police stopped Mr. Travis' vehicle and suspected he was driving under the influence of some substance ("DUI"). They requested that he submit to chemical testing, but Mr. Travis refused. **See** N.T., 1/14/26, at 4-5. Based on that refusal, the Pennsylvania Department of Transportation suspended Mr. Travis' driver's license, "effective Jun. 28, 2024," for one year. PennDOT's Certified Driving History of Willie Travis at 5 (some capitalization removed and punctuation added); **see also** N.T., 1/14/26, at 4-5. PennDOT mailed Mr. Travis notice of that suspension on May 24, 2024.

A week later, on May 31, 2024, police once again stopped Mr. Travis and suspected him of DUI. He once again refused their request to submit to chemical testing. **See** N.T., 1/14/26, at 4-5.

Based on this second refusal, PennDOT suspended Mr. Travis' driver's license, "effective Aug. 14, 2024," for 18 months. PennDOT's Certified Driving History of Willie Travis at 5 (some capitalization removed and punctuation

to challenge the trial court's dismissal disposition, Mr. Travis waived that issue as a basis for appellate relief. The trial court's improper procedural disposition has therefore become the law of the case.

² **See** 75 Pa.C.S.A. § 1543(a).

added); **see also** N.T., 1/14/26, at 4-5. PennDOT mailed Mr. Travis notice of his new, 18-months' suspension on July 10, 2024. **See id.**

Mr. Travis appealed both suspensions. PennDOT temporarily reinstated his driving privileges while his appeals were pending. **See** PennDOT's Certified Driving History of Willie Travis at 5. On April 2, 2025, PennDOT reimposed its 18-months' suspension of his driver's license. **See id.** at 6. Notably absent from the Certified Driving History is any indication of if and when PennDOT notified Mr. Travis that his 18-months' suspension was reimposed "effective Apr. 02, 2025." **Id.** (some capitalization removed and punctuation added).

Two months later, on June 5, 2025, Mr. Travis drove his green Chevrolet Impala along Route 441 in Middletown, Pennsylvania. **See** Commonwealth's Traffic Citation at 1. Officer Owen Bender of the Middletown Borough Police Department stopped Mr. Travis' vehicle and issued him a citation for "operation of vehicle with suspended or revoked license – 2nd or subsequent offense." **Id.** (capitalization removed).

The magisterial district court convicted Mr. Travis, and he appealed to the court of common pleas. On January 14, 2026, he appeared for what should have been a trial *de novo*, but the proceeding the trial court held was essentially appellate oral argument on whether the magisterial district court properly convicted Mr. Travis. Instead of permitting the assistant district attorney to question Officer Bender about the facts of the case, the trial court reviewed PennDOT's Certified Driving History for Mr. Travis and asked him to explain why he was innocent of the summary offense.

The trial-court proceedings were as follows:

THE COURT: . . . are you still denying that you were under suspension, sir?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. And on what grounds?

THE DEFENDANT: They never sent the official notice to me.

THE COURT: Who never sent it?

THE DEFENDANT: PennDOT.

THE COURT: PennDOT never sent you an official notice . . . that you were under suspension?

THE DEFENDANT: Correct.

THE COURT: Even though I have you under suspension a number of times on your document.

THE DEFENDANT: The official notice was mailed out July 10, 2024, but it had an effective date of August 14, 2024.

THE COURT: So, but you understand this is an appeal of a police citation not a PennDOT –

THE DEFENDANT: Yes, a D.U.S.

THE COURT: [D]id you appeal the PennDOT suspension?

THE DEFENDANT: Yes.

THE COURT: And what happened there?

THE DEFENDANT: It's before the Court of Common Pleas at case 338 C 2025. (*Sic*)

THE COURT: Okay. But I have the official document saying that you were under suspension.

THE DEFENDANT: And I have official documents contradicting it too. The first page

says suspended. Page 4 and 5 say I'm not. The official notice, which arrived 10/20/24, for an effective date of April 2025. But when you look at the official notice, it has an effective date of August 14th of 2024. One official notice dated –

THE COURT: This record doesn't look like you were ever off suspension. So, you have the violation date as of -- Officer, what was your official violation date?

OFFICER BENDER: June 5th of 2025.

THE COURT: June 5th of 2025. So, if I go backwards, it looks like there was a chemical-test refusal, there was a suspension as of June 28th of 2024. Official notice mailed May 24th of 2024.

There was an official suspension before that in 2014. There was an official suspension in 2012. There was official suspension in 2005.

So, there was a refusal on May 31st of 2024. Was there a DUI stop?

THE DEFENDANT: Yes.

THE COURT: And you gave a refusal?

THE DEFENDANT: Yes.

THE COURT: Okay. And then as of June of 2025, there was a suspension, and your license has never been restored.

THE DEFENDANT: As of June? That's not what the record's saying. This says privilege restored pending appeal June 27, 2025.

THE COURT: I have official notice mailed August 27th of 2025 that you are suspended until October of 2027.

THE DEFENDANT: I don't see that here.

THE COURT: And that's the notice you had? And that's the document you had, sir?

OFFICER BENDER: Yes, Your Honor, the PennDOT --

THE COURT: All right.

THE DEFENDANT: All right. And I filed an appeal, right. So, once you file that appeal, that August 14th date is irrelevant. They're trying to use the July 10, 2024 date --

THE COURT: All right, so based on the records themselves, your appeal is dismissed. Conviction stands.

THE DEFENDANT: Ma'am, but I also have --

THE COURT: All right, you can appeal to a higher court.

THE DEFENDANT: But I also have --

THE COURT: You can appeal to a higher court.

THE DEFENDANT: -- an acquittal -- because a collateral estoppel stops the --

THE COURT: Thank you, sir.

THE DEFENDANT: -- Commonwealth from trying me three times for the same offense. You can't do that.

THE COURT: All right. Next case.

(The proceedings concluded at 1:58 p.m.)

Id. at 3-6.

The trial court entered a judgment of sentence for a \$200 fine, and this timely appeal followed.

Mr. Travis raises three appellate issues:

1. Did the trial court err as a matter of law and violate [Mr. Travis'] due-process rights by sustaining a conviction under 75 Pa.C.S.A. § 1543(a) based on an administratively exhausted notice, thereby violating the actual-notice requirement of ***Commonwealth v. Kane***?
2. Did the trial court abuse its discretion and conduct a procedurally deficient trial *de novo* by actively ignoring exculpatory evidence on [PennDOT's] Certified Driving Record and disregarding coordinate appellate jurisdiction?
3. Did the trial court violate [Mr. Travis'] constitutional protections against double jeopardy by abruptly terminating the proceeding and refusing to hear [his] defense of collateral estoppel?

Travis' Brief at 3. We address only Mr. Travis' first appellate issue, because it is dispositive of the case.

Mr. Travis contends there was legally insufficient evidence to support the trial court's decision to dismiss his summary appeal as meritless. He observes that, under 75 Pa.C.S.A. § 1543(a) and ***Commonwealth v. Kane***, 333 A.2d 925 (Pa. 1975), a conviction for driving with a suspended license "cannot stand unless the Commonwealth proves the defendant had actual, statutory notice of the specific suspension being enforced." Travis' Brief at 6. Mr. Travis contends that the trial court misconstrued PennDOT's Certified Driving History for him and relied upon a notice of suspension that was not in effect on June 5, 2025. ***See id.*** at 6-7.

The Commonwealth declined to file an appellate brief. Instead, it sent this Court a letter, wherein it admits to presenting legally insufficient evidence

at the trial *de novo* to convict Mr. Travis of driving while his license was suspended. The Commonwealth wrote:

that it did not meet its burden of proof during [Mr. Travis'] *de novo* trial on January 14, 2026. To prove the charge of Driving While Operating Privilege is Suspended or Revoked, 75 Pa.C.S.A. § 1543(a), the Commonwealth must prove, beyond a reasonable doubt, that the defendant drove a motor vehicle on the highways or trafficways of the Commonwealth and that at the time his license was suspended, revoked, or cancelled. **See** 75 Pa.C.S.A. § 1543(a). There was no testimony presented at [Mr. Travis'] summary trial that he was operating a motor vehicle on the date in question, regardless of whether the Commonwealth established that [he] had notice that his drivers' license was suspended at the time. **See** Notes of Testimony, *De Novo* Trial, January 14, 2026, **generally**. Accordingly, the Commonwealth concedes the appeal in this matter in lieu of submitting an Appellee Brief.

Commonwealth's July 6, 2026 Letter to Superior Court at 1.

While Mr. Travis did not raise lack of proof that he drove his Impala on June 5, 2025 as the unproved element of the offense in question and therefore waived any argument in that regard,³ we agree with the parties that the Commonwealth failed to present sufficient evidence at the trial *de novo*.⁴

"Our well-settled standard of review when evaluating a challenge to the sufficiency of the evidence mandates that we assess the evidence and all

³ **See Krebs, supra.**

⁴ This may have been due, at least partly, to the fact that the trial court did not hold a trial *de novo*, because it did not allow the prosecuting attorney to try the case. Instead, as mentioned, the trial court erroneously heard oral argument and simply reviewed the magisterial district court's conviction and judgment of sentence without a trial.

reasonable inferences drawn therefrom in the light most favorable to the verdict-winner.” ***Commonwealth v. Evans***, 901 A.2d 528, 532 (Pa. Super. 2006). “We must determine whether there is sufficient evidence to enable the fact finder to have found every element of the crime beyond a reasonable doubt.” ***Id.*** We “may not weigh the evidence and substitute our judgment for that of the fact-finder . . . Any doubts regarding a defendant’s guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances.” ***Id.***

A “person who drives a motor vehicle on any highway or trafficway of this Commonwealth after the commencement of a suspension . . . of the operating privilege and before the operating privilege has been restored is guilty of a summary offense” 75 Pa.C.S.A. § 1543(a).

Critically, the Supreme Court of Pennsylvania has held that a record from PennDOT, indicating that it mailed notice of a license suspension is insufficient to prove that the defendant knew of the suspended license under the beyond-reasonable-doubt standard. In ***Kane, supra***, the Commonwealth proved that PennDOT mailed a notice of license suspension to Mr. Kane in April of 1969, but there “was no other proof that [Mr. Kane] had actual[ly received] notice of his suspension.” ***Kane***, 333 A.2d at 926.

The trial court inferred from that evidence that Mr. Kane had received the notice and convicted him of driving with a suspended license. On appeal, this Court affirmed. The Supreme Court granted review and reversed.

The Justices explained that, unlike the preponderance-of-the-evidence standard for proof in a civil case, a criminal conviction requires greater proof than merely a record from PennDOT indicating that it mailed a suspension notice to the defendant. According to the **Kane** Court:

Although the inference which the prosecution contends can be drawn from the evidence in this case – an inference necessary for conviction – may be more likely than not to follow from the evidence presented, we are unable to conclude that the necessary inference follows beyond a reasonable doubt. The evidence, as we have indicated, consisted of certified records from the Bureau of Traffic Safety [of PennDOT]. Although the records stated that a notice had been mailed, there was no other proof that [Mr. Kane] had actual notice of his suspension. There was no evidence of any certified or registered mail receipt from [Mr. Kane] indicating that he had received the notice, nor was there any evidence that [his] operator's license was returned to the Bureau between April 9, 1969, the date of the mailing of the notice of suspension which contains instruction that the license be returned, and December 8, 1970, when the official records were certified . . . Mailed letters do go astray for a variety of reasons. Criminal conviction requires proof beyond a reasonable doubt and that standard is not satisfied when one of the elements which must be proven is actual notice, and the only evidence presented is that a notice was mailed.

Id. at 926–27. Thus, without proof that a defendant actually received PennDOT's notice of suspension and that he knew his driver's license was suspended at the time he received his citation, the Commonwealth fails to prove a required element of the offense.

Here, there was no proof of record that Mr. Travis had actual notice that his license was suspended on June 5, 2025. In fact, nothing in this record

shows that PennDOT ever mailed Mr. Travis a notice that it reimposed the suspension for his May 31, 2024 chemical-test refusal, effective as of April 2, 2025.

The only evidence of record to show what Mr. Travis knew about the status of his driver's license was PennDOT's Certified Driving History. That Certified Driving History indicated when PennDOT had sent him the notices of his suspensions. However, it contained no indication of when (or if) Mr. Travis actually received any notices that his license was suspended or when his suspensions were reimposed. Additionally, Officer Bender did not testify that Mr. Travis failed to produce his license during the June 5, 2025 traffic stop, such that the trial court could have inferred that Mr. Travis received notice of the reimposed suspension and mailed his license back to PennDOT.⁵

Thus, the trial court erroneously relied upon the Certified Driving History alone as sufficient evidence from which to infer that Mr. Travis knew his license was suspended on June 5, 2025. Simply stated, the trial court misapplied the binding precedent of the Supreme Court in **Kane**. Based on that case, Mr. Travis is entitled to full appellate relief.⁶

⁵ We note that the Commonwealth can present facts from which the trial court may rationally infer beyond a reasonable doubt that a defendant received notice of a license suspension from PennDOT. **See Commonwealth v. Zimmick**, 653 A.2d 1217, 1221 (Pa. 1995) (identifying several factors tending to indicate that a defendant knew his or her license was suspended and decided to drive anyway). No circumstantial facts appear in the transcript of the trial *de novo*, again, possibly because the trial court did not give the assistant district attorney an opportunity to question Officer Bender.

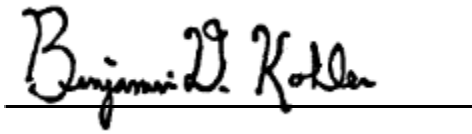
⁶ We dismiss Mr. Travis' remaining appellate issues as moot.

Judgment of sentence vacated. Order dismissing Mr. Travis' summary appeal as meritless reversed.

Traffic Citation dismissed with prejudice.

Judge King joins. Judge Stevens files a Dissenting Memorandum.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 9/04/2026