

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

HENRY EARL FERGUSON,	:	No. 28 MAL 2022
	:	
Petitioner	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Order of the
	:	Commonwealth Court
	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF TRANSPORTATION,	:	
BUREAU OF DRIVER LICENSING,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 22nd day of June, 2022, the Petition for Allowance of Appeal is **GRANTED**. The issue, as stated by Petitioner is:

Did the Commonwealth Court err by ignoring the controlling decisions of this Court and the United States Supreme Court [by] holding that DUI statutes that penalize a defendant with a lengthy license suspension as a recidivist based on a prior acceptance of ARD disposition do not violate due process under the Pennsylvania and United States Constitutions even though the defendant who accepts ARD is presumed innocent and there is no proof of guilt?

The American Civil Liberties Union (ACLU) of Pennsylvania’s Application for Leave to Appear as Amicus Curiae is **GRANTED**.

Justice Brobson did not participate in the consideration or decision of this matter.