

IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

BARRY J. BINKLEY, JR.,)
)
Petitioner Below-)
Appellant,)
)
) C.A. No. 2004-05-143
v.)
)
)
MICHAEL D. SHAHAN, Director of)
DIVISION OF MOTOR VEHICLES,)
)
Respondent Below-)
Appellee.)

Submitted: August 27, 2004
Decided: September 24, 2004

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**APPEAL FROM DIVISION OF MOTOR VEHICLE'S PROBABLE CAUSE
DETERMINATION HEARING**

On October 5, 2003 Barry J. Binkley, Jr. (hereinafter referred to as "appellant") was arrested for driving under the influence of alcohol in violation of 21 Del. C. § 4177(a). An administrative hearing was held on March 23, 2004 and his driver's license was revoked pursuant to 21 Del. C. § 2742(c)(1). This appeal follows the decision of the Department of Transportation, Division of Motor Vehicles (hereinafter