

[J-45-2005]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

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| SUSAN SILVONEK FREUNDT, | : | No. 181 MAP 2002 |
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| Appellee | : | |
| | : | Appeal from the Order of the |
| | : | Commonwealth Court entered on 7/30/02 |
| v. | : | at No. 2854 CD 2001 which reversed the |
| | : | Order of Carbon County Court of Common |
| | : | Pleas, Civil Division, entered on 11/13/01 |
| COMMONWEALTH OF PENNSYLVANIA, | : | at No. 01-1420 |
| DEPARTMENT OF TRANSPORTATION, | : | |
| BUREAU OF DRIVER LICENSING, | : | |
| | : | |
| Appellant | : | RE-SUBMITTED: February 24, 2005 |

DISSENTING OPINION

MR. JUSTICE SAYLOR

Decided: September 28, 2005

I join the substance of Mr. Justice Eakin’s dissenting opinion on the statutory interpretation point. It seems to me to be basic that an “offense” is simply a violation of the law, or a crime, see BLACK’S LAW DICTIONARY (17th ed. 1999); accord 18 Pa.C.S. §106, and that multiple offenses (or crimes) may arise out of any particular single criminal episode. See, e.g., 18 Pa.C.S. §110(1)(ii) (requiring, as a general rule, consolidation of multiple offenses arising out of a single criminal episode). Accordingly, I see no basis arising from the statutory text or its context in Section 1532(c) of the

Vehicle Code that supports construing the term “offense” (or “conviction of any offense”) as embodying the single-criminal-episode concept.¹

To the extent that there are concerns regarding the impact of an extended, aggregate license suspension arising from multiple convictions (amounting, for example, to an eight-year prohibition against driving in the present case), I also note that the General Assembly has to a degree ameliorated the sanction by permitting an application for a probationary license after lapse of some period of the total term of the aggregate suspension. See 75 Pa.C.S. §1554.

¹ The majority’s reliance on the Legislature’s use of the phrase “conviction of any offense” as opposed to “conviction” to support shifting the inquiry into one based on episode, see Majority Opinion, slip op. at 6, seems strained. In addition to the fact that employment of the phrase “conviction of any offense” to mean just that represents ordinary usage, in Section 1532(c) the Legislature averted to the offense concept specifically, because it proceeded to delineate the category of offenses which implicate suspension under the provision. See 75 Pa.C.S. §1532(c) (providing that suspension is required relative to “conviction of any offense involving the possession, sale, delivery, offering for sale, holding for sale or giving away of any controlled substance . . .” (emphasis added)).