

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION ONE

MICHAEL AUCK,)	No. ED102570
)	
Respondent,)	
)	
vs.)	Appeal from the Circuit Court
)	of St. Louis County
)	14SL-AC00530
)	
DIRECTOR OF REVENUE,)	Honorable Dale W. Hood
STATE OF MISSOURI)	
)	
Appellant.)	FILED: February 23, 2016

The Director of Revenue of the State of Missouri (the Director) appeals from the trial court’s entry of judgment reinstating the driving privileges of Michael Auck (Driver) after his privileges were revoked by the Director pursuant to Section 577.041 RSMo 2000.¹

REVERSED AND REMANDED.

Division One Holds: The trial court erred in finding there was no admissible evidence of operation of a motor vehicle on the ground that the officer relied upon “hearsay” in forming reasonable grounds to believe Driver was driving. The record and Missouri case law both clearly establish that a witness statement upon which an officer relies in forming reasonable grounds to believe a person was driving while intoxicated is not hearsay because it is not introduced for the truth of the matter. Instead, it is used to show the reasonable grounds/probable cause for the arresting officer to believe a person was driving while intoxicated.

Opinion by: Mary K. Hoff, J.
Robert G. Dowd, Jr., P.J., and Roy L. Richter, J., Concur.

Attorney for Appellant: Rachel M. Jones

Attorney for Respondent: Chastidy R. Dillon-Amelung
Daniel J. Bruntrager

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.

¹ Unless otherwise indicated, all further statutory references are to RSMo 2000 as amended.