

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

JUSTIN WAYNE AKINS,)	No. ED92173
)	
Appellant,)	Appeal from the Circuit Court of
)	Jefferson County
v.)	Cause No. 08JECC00782
)	Honorable Shannon Renee Dougherty
DIRECTOR OF REVENUE,)	
STATE OF MISSOURI,)	
)	
Respondent.)	Filed: June 2, 2009

This is an appeal from a judgment affirming the Director of Revenue's revocation of driving privileges for ten years pursuant to RSMo §302.060(9). Akins raises one point on appeal, claiming that the trial court erred as a matter of law in affirming the Director of Revenue's ten-year denial of Akins' driving privileges because Akins' convictions of vehicular assault arose out of one incident and should be considered one conviction instead of three. Our inquiry here involves the statutory interpretation of RSMo §302.060(9) and the current split of authority on this issue between the Eastern and Western Districts of the Missouri Court of Appeals.

AFFIRMED; TRANSFERRED TO MISSOURI SUPREME COURT

Division Four Holds: The trial court did not err as a matter of law. We affirm the trial court's decision and transfer this cause to the Missouri Supreme Court pursuant to Rule 83.02. for the purpose of reexamining the existing law.

Opinion by: Kenneth M. Romines Kathianne Knaup Crane, P.J. and Mary K. Hoff, J., concur.

Attorneys for Appellant: Kevin Roberts

Attorneys for Respondent: Charles L. Gooch

<p>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.</p>
