

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

| | | |
|----------------------|---|-------------------------------|
| TODD A. BENDER, |) | No. ED93522 |
| |) | |
| Appellant, |) | Appeal from the Circuit Court |
| |) | of Lincoln County |
| vs. |) | |
| |) | |
| DIRECTOR OF REVENUE, |) | Hon. Ben Burkemper |
| |) | |
| Respondent. |) | FILED: August 31, 2010 |

Todd Bender appeals the judgment of the trial court in favor of the Director of Revenue, State of Missouri (“DOR”) on Bender’s petition for review of the disqualification of his driving privileges. Bender contends that because samples of his blood were taken for purposes of determining his blood alcohol content based on a search warrant, he did not refuse to submit to a chemical test of his blood.

AFFIRMED.

DIVISION THREE HOLDS: The trial court did not err in denying Bender’s petition for review and in upholding the DOR’s revocation of Bender’s driving privileges. Submitting to a court-ordered search warrant for one’s blood is not equivalent to consenting to submit to a chemical test to determine blood alcohol content and does not negate a refusal to submit to a chemical test under section 577.041 RSMo (Cum. Supp. 2008).

Opinion by: Clifford H. Ahrens, J. Sherri B. Sullivan, P.J., and Lawrence E. Mooney, J., concur.

Attorney for Appellant: Ronald E. Jenkins

Attorney for Respondent: Chris Koster

| |
|--|
| 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. |
|--|