

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

WRIT DIVISION III

STATE EX REL. DIRECTOR OF)	No. ED93679
REVENUE, STATE OF MISSOURI,)	
Relator,)	
)	
v.)	Writ of Prohibition
)	
THE HONORABLE TROY K. HYDE,)	Circuit Court of Washington County
JUDGE OF THE CIRCUIT COURT OF)	Cause No. 008D9-AC00304
WASHINGTON COUNTY, MISSOURI,)	
24 TH JUDICIAL CIRCUIT, Respondent.)	Filed: November 3, 2009

The Director of Revenue (“the Director”) filed a Petition for Writ of Prohibition, seeking to prohibit the Honorable Troy K. Hyde (“Respondent”) from leaving his order granting David Allen Leuchtman’s (“Mr. Leuchtman”) petition for limited driving privileges in effect and from taking any action other than to dismiss Mr. Leuchtman’s petition. The Director contends Respondent lacks subject matter jurisdiction to grant Mr. Leuchtman limited driving privileges because Mr. Leuchtman is ineligible for such privileges due to his felony driving while intoxicated conviction and his having been revoked more than once for violating the implied consent law. We previously issued a Preliminary Order in Prohibition. In accordance with Rule 84.24, we dispense with further briefing and oral argument.

PRELIMINARY ORDER IN PROHIBITION IS MADE ABSOLUTE.

Writ Division Three Holds: The trial court lacked the authority to take any action other than to dismiss Mr. Leuchtman’s petition for limited driving privileges because Mr. Leuchtman is ineligible for such privileges due to his felony driving while intoxicated conviction and his having been revoked more than once for violating the implied consent law.

Opinion by: Robert G. Dowd, Jr., P.J.
 Clifford H. Ahrens, J. and Mary K. Hoff, J., concur.

Attorney for Relator: James A. Chenault, III

Attorney for Respondent: Michael P. Kelly

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.