

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

MARTHA WURTSBAUGH WEGMANN,)	No. ED95301
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
DIRECTOR OF REVENUE,)	Honorable Robert S. Cohen
STATE OF MISSOURI,)	
)	
Appellant.)	FILED: April 24, 2012

The Director of Revenue for the State of Missouri ("Director") appeals from the judgment of the Circuit Court of St. Louis County setting aside the revocation of the driving privileges of Martha Wegmann ("Wegmann").

REVERSED AND REMANDED.

Division One Holds: Following the trial court's ruling, this Court held that permits to operate breath test equipment issued by the Missouri Department of Health and Human Services ("DHSS") are valid and the test results are admissible in proceedings to suspend a motorist's driver's license. Schneider v. Dir. of Revenue, 339 S.W.3d 533 (Mo. App. E.D. 2011); see also Grafeman v. Dir. of Revenue, 344 S.W.3d 861 (Mo. App. W.D. 2011); Downs v. Dir. of Revenue, 344 S.W.3d 818 (Mo. App. S.D. 2011). As a result, the trial court erroneously applied the law in excluding Wegmann's breath test results.

Opinion by: Roy L. Richter, P.J.
Clifford H. Ahrens, J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Samuel Edward Buffaloe

Attorneys for Respondent: Robert S. Adler

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