

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

KYLE D. BRINKER, Appellant,) No. ED96779
)
vs.) Appeal from the St. Louis County
) Circuit Court
DIRECTOR OF REVENUE, Respondent.) Filed: February 21, 2012

The Director of Revenue appeals the circuit court’s decision setting aside the Director’s one-year denial of Mr. Brinker’s driving privileges under Section 302.171 of Missouri’s Revised Statutes. The circuit court found that the Director failed to meet her burden of showing that Mr. Brinker made a license application that contained false or fraudulent information, as Director alleged.

JUDGMENT AFFIRMED

DIVISION TWO HOLDS: The Director did not satisfy her burden of producing evidence demonstrating a *prima facie* showing of the facts necessary to support the denial of Mr. Brinker’s driving privileges.

Opinion by: Lawrence E. Mooney, J. Kathianne Knaup Crane, P.J., concurs.
Kenneth M. Romines, J., concurs in result in separate opinion.

Attorney for Appellant: John F. Newsham

Attorneys for Respondent: Chris Koster and Timothy A. Blackwell

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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