

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

JAMES VELLUTO,	)	No. ED97843
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis County
v.	)	
	)	
DIRECTOR OF REVENUE,	)	Honorable Barbara Wallace
STATE OF MISSOURI,	)	
	)	
Appellant.	)	Filed: September 11, 2012

The Director of Revenue for the State of Missouri (“Director”) appeals the judgment of the Circuit Court of St. Louis County setting aside the Director’s order suspending the driving privileges and disqualifying the commercial driving privileges of James Velluto (“Velluto”).

REVERSED AND REMANDED WITH INSTRUCTIONS.

#### Division Three Holds:

The officer had legal probable cause to arrest Velluto for driving while intoxicated. The Director made a prima facie case under Section 302.505 RSMo. (Cum. Supp. 2001). Therefore, we reverse the trial court’s judgment and remand the case with the instruction to enter a judgment affirming the suspension of Velluto’s driving privileges and disqualification of his commercial driving privileges.

Opinion by: Angela T. Quigless, J.

Robert G. Dowd, Jr., P.J. and Roy L. Richter, J., Concur.

Attorney for Appellant: Travis Noble

Attorney for Respondent: Samuel E. Buffaloe

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