

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

CITY OF ST. JOHN,)	No. ED99644
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Dennis Neil Smith
THOMAS BROCKUS,)	
)	
Appellant.)	FILED: May 20, 2014

Thomas Brockus (“Brockus”) appeals from the judgment of the trial court finding him guilty of violating four municipal ordinances in the City of St. John. Brockus was pulled over by a St. John police officer for the sole reason that he was not wearing a seatbelt in violation of St. John Ordinance § 375.030. As a result of the traffic stop, Brockus was subsequently charged with driving with no seatbelt, driving while revoked, possession of marijuana, and possession of drug paraphernalia. On appeal, Brockus argues that trial court erred in denying his motion to suppress all evidence arising out of the traffic stop because the stop was unlawful. Brockus alleges that City’s seatbelt ordinance conflicts with state law and is therefore invalid.

AFFIRMED.

Division III holds: Section 307.178 prohibits primary enforcement of its own provisions, but its limiting language does not extend beyond the statute and does not preclude St. John from enforcing its own seatbelt law on a primary basis. Because we find no conflict between City’s ordinance and state law, the judgment of the trial court is affirmed.

Opinion by: Kurt S. Odenwald, J., Mary K. Hoff, P.J., and Angela T. Quigless, J., Concur.

Attorney for Appellants: Carl M. Ward

Attorney for Respondent: Hardy C. Menees

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.