

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JAMES A COFFIN, APPELLANT,

v.

DIRECTOR OF REVENUE, RESPONDENT.

WD69029

March 10, 2009

Appeal From:
CALLAWAY COUNTY CIRCUIT COURT
THE HONORABLE CAROL ANN ENGLAND, JUDGE

Division Two: James M. Smart, Jr., Lisa White Hardwick, and James E. Welsh, JJ.

Attorneys:
Scott T. Jansen, Jefferson City, MO, **for appellant.**

James A. Chenault, III, Sp. Asst. Attorney General, Jefferson City, MO, **for respondent.**

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James Coffin was arrested for driving while intoxicated after his vehicle was found wrecked in the median of Interstate 70 and Coffin was discovered near the area some time later. Coffin, who was not in the vehicle when encountered by the arresting officer, gave the officer reason to believe that he had been driving the vehicle and that he was intoxicated when he did so. Coffin refused to submit to a chemical test of his breath. Consequently, the Director of Revenue revoked Coffin's driver's license for a period of one year. Following an evidentiary hearing, the circuit court affirmed the revocation. Coffin appeals.

AFFIRMED.

Division two holds: Although no one, including the arresting officer, actually saw Coffin driving the vehicle, the officer was entitled to rely upon the circumstantial evidence, which led to the reasonable conclusion that Coffin was the sole occupant and operator of the vehicle and that he was intoxicated at the time that he was driving -- and wrecked -- the vehicle. The question in this civil revocation case is not whether the Director could prove beyond a reasonable doubt that Coffin was driving while intoxicated, but whether a reasonably prudent highway patrolman had reasonable grounds ("probable cause"), based on the information available to him and on his own observations, to arrest for driving while intoxicated. The trial court did not err in concluding that the officer had reasonable grounds to believe that Coffin had been driving while intoxicated and in upholding the Director's revocation. The judgment is affirmed.

Opinion by James M. Smart, Jr., Judge

March 19, 2009

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