

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

IN RE SEARCH WARRANT FOR 415 LOCUST STREET,
CHILLICOTHE, MISSOURI; PATRICE ROBERTSON; Appellant,
EDDIE ROBERTSON, ROBERTSON LAND CORPORATION, Appellants,
ROBERTSON MOTOR COMPANY AND CONTACT AMERICA, INC.,

v.

STATE OF MISSOURI, Respondent.

DOCKET NUMBER WD69242

DATE: November 12, 2008

Appeal From:

Circuit Court of Livingston County, MO
The Honorable Jason Alfred Kanoy, Judge

Appellate Judges:

Division One: Ronald R. Holliger, P.J., Lisa White Hardwick and James Edward Welsh, JJ.

Attorneys:

James R. Wyrsh, Kansas City, MO	Counsel for Appellant, Patrice Robertson
Charles M. Rogers, Kansas City, MO	Co-Counsel for Appellant, Patrice Robertson
David P. Macoubrie, Chillicothe, MO	Counsel for Appellants, Eddie Robertson, Robertson Land Corporation, Robertson Motor Co., & Contact America, Inc.
Kevin M. Zoellner, Jefferson City, MO	Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**In re Search Warrant for 415 Locust Street, Chillicothe, Missouri;
Patrice Robertson, Appellant; Eddie Robertson, Robertson Land
Corporation, Robertson Motor Company, and Contact America,
Inc., Appellants,**

v.

State of Missouri, Respondent

WD69242

Livingston County

Before Division One Judges: Holliger, P.J., Hardwick and Welsh, JJ.

After law enforcement officers seized business records and computer evidence while executing a search warrant on the premises of their three businesses, Patrice and Eddie Robertson filed a motion to quash the search warrant and for return of the seized property. The circuit court denied their motion. The Robertsons appeal.

DISMISSED.

Division One holds:

The Robertsons' motion challenged the lawfulness of a search and seizure in a pending criminal proceeding growing out of the subject matter of the seizure. The statutory mechanism for making such a challenge is a motion to suppress. The Robertsons' motion is deemed to be a motion to suppress. Thus, the circuit court's denial of the motion was interlocutory and not final for purposes of appeal, thereby depriving this court of jurisdiction to review it.

Opinion by: James Edward Welsh, Judge

Date: November 12, 2008

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.