

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

Appellant,

v.

JOHNNIE JEWELL WILLIAMS,

Respondent.

DOCKET NUMBER WD72530

Date: March 15, 2011

Appeal from:
Boone County Circuit Court
The Honorable Gary M. Oxenhandler, Judge

Appellate Judges:
Division One: Mark D. Pfeiffer, Presiding Judge, Thomas H. Newton and Alok Ahuja, Judges

Attorneys:
Brent M. Nelson, Columbia, MO, for appellant.
Craig A. Johnston, Columbia, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI

v.

JOHNNIE JEWELL WILLIAMS,

Appellant,

Respondent.

WD72530

Boone County

This is a prosecution for driving while intoxicated. The State filed this interlocutory appeal to challenge the Boone County Circuit Court's order sustaining defendant Johnnie Williams' motion to suppress evidence. The trial court granted Williams' motion based on its determination that the State did not have reasonable suspicion to stop Williams' vehicle. The police officer who stopped Williams' vehicle testified at a suppression hearing that he initiated the stop because the passenger side headlight of Williams' pickup truck was not illuminated. The trial court found, based on its review of a recording from the officer's dashboard video camera, that the passenger side headlight was in fact functioning. Because Williams had not in fact committed a traffic offense, the trial court concluded that the stop of his vehicle was unlawful.

AFFIRMED.

In reviewing a trial court's ruling on a motion to suppress, we will reject the trial court's factual findings only if those findings are clearly erroneous. This highly deferential standard of review applies even if the trial court's factual findings are based on physical or documentary evidence equally available to the reviewing court.

Based on our review of the dashboard video recording, we cannot say that the trial court clearly erred in determining that the recording showed both of Williams' headlights functioning. Based on this factual finding, the trial court could properly conclude that the police officer did not have reasonable suspicion to believe that Williams had committed a traffic offense which could justify the warrantless stop of his vehicle,

Before: Division One: Mark D. Pfeiffer, Presiding Judge, Thomas H. Newton and Alok Ahuja, Judges

Opinion by: Alok Ahuja, Judge

March 15, 2011

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