

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

JERRY ALLAN RIDGE, JR.,

Respondent

v.

DIRECTOR OF REVENUE.

Appellant

DOCKET NUMBER WD75986

DATE: April 29, 2014

Appeal From:

Circuit Court of Miller County, MO
The Honorable Kenneth L. Oswald, Judge

Appellate Judges:

Division Three
Anthony Rex Gabbert, P.J., Victor C. Howard, Thomas H. Newton, JJ.

Attorneys:

Gregory L. Barnes, Jefferson City, Counsel for Appellant,

Attorneys:

James Stephen Grantham, Timothy Richard Cisar, Lake Ozark, Counsel for Respondent

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

JERRY ALLAN RIDGE, JR., Respondent,

v.

DIRECTOR OF REVENUE, Appellant

WD75986

Miller County

Before Division Three Judges: Anthony Rex Gabbert, P.J., Victor C. Howard, Thomas H. Newton, JJ.

The Director of Revenue appeals the circuit court's judgment reinstating the driver's license of Jerry Ridge, Jr. The Director argues that the court erred in reinstating Ridge's driving privileges because Ridge's statement to the Missouri State Highway Patrol Trooper that he did not want to take a chemical blood test constituted a refusal.

AFFIRMED

Division Three holds:

The circuit court did not err in reinstating Ridge's driving privileges after finding that Ridge did not refuse to submit to a chemical blood test as the court's judgment was not against the weight of the evidence. Consequently, as the Director failed to meet its burden that Ridge refused to take the chemical blood test, Ridge was entitled to reinstatement.

Opinion by Anthony Rex Gabbert, Judge

Date: April 29, 2014

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