

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

TROY MARLIN HILL

APPELLANT,

**v.
DIRECTOR OF REVENUE**

RESPONDENT.

DOCKET NUMBER WD76689

DATE: March 25, 2014

Appeal From:

Lafayette County Circuit Court
The Honorable Randall W. Shackelford, Judge

Appellate Judges:

Division One: Cynthia L. Martin, Presiding Judge, Mark D. Pfeiffer, Judge and Karen King Mitchell, Judge

Attorneys:

Scott C. Hamilton, Lexington, MO, for appellant.

Rachel M. Jones, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

TROY MARLIN HILL,

APPELLANT,

v.

DIRECTOR OF REVENUE,

RESPONDENT.

No. WD76689

Lafayette County

Before Division One: Cynthia L. Martin, Presiding Judge, Mark D. Pfeiffer, Judge and Karen King Mitchell, Judge

Troy Hill appeals from the trial court's judgment sustaining the revocation of Hill's driving privileges pursuant to section 577.041. In his sole point on appeal, Hill claims that the trial court erred in sustaining the suspension of his driver's license because there was insufficient evidence of probable cause to believe that Hill was driving a motor vehicle in an intoxicated or drugged condition.

AFFIRMED.

Division One holds:

(1) Probable cause to arrest exists when the arresting officer's knowledge of the particular facts and circumstances is sufficient to warrant a prudent person's belief that a suspect has committed an offense. Proof of **probable cause** need only meet the preponderance of the evidence standard which merely requires that the evidence, taken as a whole, is sufficient to show the fact to be proven is more likely than not. The level of proof necessary to show **probable cause** for suspension or revocation of a driver's license is substantially less than that required to establish guilt beyond a reasonable doubt.

(2) There was substantial evidence to support a finding that the arresting officer had probable cause to believe that Hill was driving while intoxicated in that the arresting officer testified that he believed Hill to be the subject of a dispatch reporting a truck driving all over the roadway; that he observed Hill driving erratically and commit multiple traffic violations; that when he made contact with Hill he observed classic signs of intoxication; and that Hill admitted that he took generic Zoloft and an unknown medication.

(3) Training as a drug recognition expert is not a prerequisite to a probable cause finding.

Opinion by Cynthia L. Martin, Judge

March 25, 2014

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