

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI,
RESPONDENT
vs.**

**JUSTIN R. CARDWELL,
APPELLANT**

DOCKET NUMBER WD76791

DATE: JANUARY 13, 2015

Appeal from:

The Circuit Court of Cole County, Missouri
The Honorable Patricia S. Joyce, Judge

Appellate Judges:

Division Two: Victor C. Howard, Presiding Judge, Alok Ahuja, Judge and Gary D. Witt, Judge

Attorneys:

Gregory L. Barnes, for Respondent

Daniel E. Hunt, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, RESPONDENT

v.

JUSTIN R. CARDWELL, APPELLANT

WD76791

Cole County, Missouri

Before Division Two: Victor C. Howard, Presiding Judge, James E. Welsh, Judge and Anthony Rex Gabbert, Judge

Cardwell was convicted of driving while intoxicated in violation of section 577.010 RSMo. The trial court overruled Cardwell's motion to suppress evidence and subsequent objections to that evidence obtained after the stop of Cardwell's vehicle, based on the argument that the officer did not have reasonable suspicion or probable cause to stop Cardwell's car. Cardwell appeals.

REVERSED

Division Two holds:

Driving slowly on a rural, gravel road in the early morning, coming to a stop when quickly approached from behind by another vehicle, and motioning the approaching vehicle to go around with adequate room to do so does not constitute "unusual conduct" leading reasonably to a conclusion that criminal activity is taking place. When the officer initiated the stop he did not have reasonable suspicion to believe that Cardwell's behavior suggested that he may be involved in illegal activity, and thus the officer's stop and seizure of Cardwell was unreasonable and evidence obtained thereafter should have been suppressed.

Opinion by: Victor C. Howard, Judge

Date: January 13, 2015

This summary is *UNOFFICIAL* and should not be quoted or cited.