

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

TRAVIS RADER

APPELLANT,

**v.
DIRECTOR OF REVENUE**

RESPONDENT.

DOCKET NUMBER WD78880

DATE: May 31, 2016

Appeal From:

Callaway County Circuit Court
The Honorable Carol A. England, Judge

Appellate Judges:

Division One: Lisa White Hardwick, Presiding Judge, Thomas H. Newton, Judge and
Cynthia L. Martin, Judge

Attorneys:

Shane L. Farrow, Jefferson City, MO, for appellant.

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

MISSOURI APPELLATE COURT OPINION SUMMARY

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TRAVIS RADER,

APPELLANT,

v.

DIRECTOR OF REVENUE,

RESPONDENT.

No. WD78880

Callaway County

Before Division One: Lisa White Hardwick, Presiding Judge, Thomas H. Newton, Judge and Cynthia L. Martin, Judge

Travis Rader appeals a judgment sustaining the revocation of his driving privileges based on his refusal to submit to a chemical analysis test to determine his blood alcohol content.

AFFIRMED

Division One holds:

1. The issue of whether a driver has refused to submit to a chemical analysis test is a question of fact to be decided by the trial court.

2. A driver's failure to follow instructions about the manner in which to blow into a breath analysis machine is sufficient evidence for a finder of fact to find a volitional failure to submit to chemical analysis test as required by law.

Opinion by Cynthia L. Martin, Judge

May 31, 2016

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