MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE:

MICHAEL STEHWIEN,

Appellant

v.

DIRECTOR OF REVENUE.

Respondent

DOCKET NUMBER WD82574

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: February 11, 2020

Appeal From:

Circuit Court of Lafayette County, MO
The Honorable Kelly Halford Rose, Judge

Appellate Judges:

Division One
Thomas N. Chapman, P.J., Mark D. Pfeiffer, and Anthony Rex Gabbert, JJ.

Attorneys:

Scott Hamilton, Lexington, MO — Counsel for Appellant

Attorneys:

Corey Baker, Kansas City, MO — Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MICHAEL STEHWIEN, Appellant,
v.
DIRECTOR OF REVENUE, Respondent.

WD82574 **Lafayette County**

Before Division One Judges: Chapman, P.J., Pfeiffer, and Gabbert, JJ.

Michael Stehwien appeals the judgment of the Lafayette County Circuit Court sustaining the revocation of his driving privilege. He claims in one point on appeal that the breath test results were not admissible because the breath testing machine was not subjected to proper maintenance and reporting. The judgment is affirmed.

AFFIRMED.

Division One holds:

19 C.S.R. 25-30.031(3) states maintenance checks shall be completed when a new instrument is placed into service ***or*** when the instrument has been serviced, repaired, or recalibrated. Given this, it was not error to complete a maintenance check when an instrument was serviced and a subsequent, separate maintenance check when the instrument was placed back into service.

Opinion by: Thomas N. Chapman, Presiding Judge February 11, 2020

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