MISSOURI COURT OF APPEALS
WESTERN DISTRICT

BRYAN GOFORTH

APPELLANT,

v.

DIRECTOR OF REVENUE

RESPONDENT.

DOCKET NUMBER WD82604

DATE: February 11, 2020

Appeal From:

Cass County Circuit Court
The Honorable Jeffrey L. Cox, Judge

Appellate Judges:

Special Division: Zel M. Fischer, Special Judge, Presiding, Cynthia L. Martin, Judge and Gary D. Witt, Judge

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Attorneys:

Jeffrey S. Eastman, Gladstone, MO, for appellant.

Eric W. McDonnell, Columbia, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

BRYAN GOFORTH, APPELLANT,
v.
DIRECTOR OF REVENUE, RESPONDENT.

WD82604 Cass County

Before Special Division Judges: Zel M. Fischer, Special Judge, Presiding, Cynthia L. Martin, Judge, and Gary D. Witt, Judge

Bryan appeals from a judgment sustaining the Director of Revenue's revocation of Goforth's driving privileges after he refused to submit to a chemical breath test. Goforth argues that the Director of Revenue failed to adduce evidence that he operated a motor vehicle on a public roadway, and thus failed to prove he impliedly consented to chemical testing.

AFFIRMED.

Special Division holds:

Refusal to submit to chemical testing is not valid for the purposes of revoking a driver's license unless the driver has impliedly consented to chemical testing. Pursuant to section 577.020, consent to submit to chemical testing cannot be implied unless the evidence supports an inference that a driver has ever operated a vehicle on the public highways in Missouri. It is reasonable to infer from a driver's application for and acceptance of a Missouri driver's license that the driver will operate a vehicle on the public highways of Missouri after receipt of that license. Goforth had a valid Missouri driver's license at the time of his arrest, but even if we disregarded evidence of Goforth's license, other substantial evidence supported the inference that Goforth had operated a vehicle on the public highways of this state.

Opinion by: Cynthia L. Martin, Judge February 11, 2020

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