MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STEPHEN C. SMITH

APPELLANT,

v.

DIRECTOR OF REVENUE

RESPONDENT.

DOCKET NUMBER WD82995

DATE: February 18, 2020

Appeal From:

Lafayette County Circuit Court
The Honorable Kelly Rose, Judge

Appellate Judges:

Division Two: Cynthia L. Martin, Presiding Judge, Thomas H. Newton, Judge and Gary D. Witt, Judge

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Attorneys:

Michael C. McIntosh, Independence, MO, for appellant.

Eric W. McDonnell, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STEPHEN C. SMITH,

APPELLANT,

v.

DIRECTOR OF REVENUE,

RESPONDENT.

No. WD82995 Lafayette County

Before Division Two: Cynthia L. Martin, Presiding Judge, Thomas H. Newton, Judge and Gary D. Witt, Judge

Appellant Stephen Smith ("Smith") appeals the judgment of the Circuit Court of Lafayette County sustaining the revocation of Smith's driving privileges. Smith raises one point on appeal challenging whether the arresting officer had probable cause to support his suspicion of driving while intoxicated.

AFFIRMED.

Division Two holds:

The circuit court did not err in finding probable cause to support a suspicion of driving while intoxicated where evidence showed that Smith delayed pulling over, without cause; his eyes were watery and bloodshot; he had difficulty walking and maintaining balance; he admitted to significant alcohol consumption; and the arresting officer testified that in his professional opinion he believed Smith to be impaired.

Opinion by: Gary D. Witt, Judge February 18, 2020

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