OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

SPENCER BRADLEY EKSTAM,	)	No. ED108230
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of Franklin County
vs.	)	18AB-AC02704
	)	
DIRECTOR OF REVENUE,	)	Honorable Stanley D. Williams
STATE OF MISSOURI,	)	
	)	
Appellant.	)	Filed: August 11, 2020

The Director of Revenue for the State of Missouri ("the DOR") appeals the judgment of the Circuit Court of Franklin County ("trial court") which reinstated Spencer Bradley Ekstam's ("Respondent") driving privileges because there was not a "conviction" under section 302.462.1 RSMo Cum. Supp. 2018 (effective January 1, 2017 to the present) ("section 302.462.1"). On appeal, the DOR argues the trial court erred in reinstating Respondent's driving privileges because section 302.462.1 requires revocation merely upon a finding of guilt to a violation of section 577.599 RSMo Cum. Supp. 2018 (effective January 1, 2017 to the present) ("section 577.599").

AFFIRMED.

Division One holds:

(1) Based on the plain and ordinary meaning of section 302.462.1, we hold "a finding of guilt to a violation of section 577.599" and a "conviction" with respect to such an offense is required before a one-year revocation of a person's driving privileges can occur. *See* section 302.462.1. Additionally, the plain and ordinary meaning of the statute further provides that if both "a finding of guilt to a violation of section 577.599" and a "conviction" with respect to such an offense occurs, the timetable for revocation of driving privileges is "one year from the date of conviction." *See* section 302.462.1.

(2) There is no conviction under the circumstances of this case, where Respondent was given a suspended imposition of sentence, Respondent was placed on probation, and there is nothing in the record reflecting that Respondent's probation was revoked. Accordingly, pursuant to the plain and ordinary meaning of section 302.462.1, the DOR does not have the authority to revoke Respondent's driving privileges.

Opinion by: Robert M. Clayton III, P.J.
Robert G. Dowd, Jr., J., and Michael E. Gardner, J., concur.

Attorney for Appellant: Eric Schmitt and Eric W. McDonnell

Attorney for Respondent: Scott Fulford

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.