MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE:

JOHNNY B. STANTON,

Appellant

v.

DIRECTOR OF REVENUE.

Respondent

DOCKET NUMBER WD83551

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: November 10, 2020

Appeal From:

Circuit Court of Clay County, MO
The Honorable Karen Lee Krauser, Judge

Appellate Judges:

Division One
Thomas N. Chapman, P.J., Mark D. Pfeiffer and W. Douglas Thomson, JJ.

Attorneys:

Bruce Brown, Kearney, MO — Counsel for Appellant

Attorneys:

Zachary Thompson, Liberty, MO — Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JOHNNY B. STANTON, Appellant,
v.
DIRECTOR OF REVENUE, Respondent.

WD83551 **Clay County**

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

Johnny Stanton appeals the judgment of the Circuit Court of Clay County sustaining the Director of Revenue's (Director's) revocation of his driver's license for refusal to submit to a chemical test of his blood. He raises two points on appeal. First, he contends that his refusal was not valid because the deputy who arrested him was not a "law enforcement officer" for purposes of sections 577.041 and 577.020, RSMo, when he requested Stanton to submit to a chemical test in Clay County, outside his jurisdiction of Clinton County. Second, Stanton contends that the trial court erred in finding there were reasonable grounds to believe that Stanton was driving a motor vehicle while in an intoxicated condition. The judgment is affirmed.

AFFIRMED.

Division One holds:

(1) Where it was not disputed that the arresting deputy was employed as a deputy sheriff in Clinton County and had the power and duty to make arrests for violations of the laws of this state, and nothing in sections 302.574, 577.041, or 577.020, RSMo, requires compliance with criminal procedural law regarding jurisdiction and fresh pursuit, the deputy's request that Stanton submit to a chemical test outside of his jurisdiction did not prevent the Director from revoking Stanton's driver's license.

(2) Where Stanton's vehicle was found on the side of a straight, dry, gravel road during the day, crashed into a tree; where Stanton admitted that he had been driving, had wrecked his car, and had drank three beers, and gave contradictory statements regarding when he stopped drinking; where Stanton told the deputy that after the accident, he walked to his parents' house and did not indicate that he remained at the scene where beer cans and boxes were found for any amount of time; and where Stanton's eyes were watery, bloodshot, and glassy, his speech was slurred and confused, he had a moderate odor of moderate odor of intoxicating beverage coming from him, and he showed all six clues of intoxication on the Horizontal Gaze Nystagmus 23

minutes after the accident, the trial court did not err in determining that the Director presented sufficient evidence that Deputy Farr had reasonable grounds to believe Stanton was driving while intoxicated.

Opinion by: Thomas N. Chapman, Presiding Judge Date: November 10, 2020

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.