IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DANIEL ANDRADE-ARELLANOS,	)	
	)	
Appellant,	)	
	)	**WD87757**
v.	)	
	)	**OPINION FILED:**
	)	**December 2, 2025**
DIRECTOR OF REVENUE,	)	
	)	
Respondent.	)	

Appeal from the Circuit Court of Clay County, Missouri
The Honorable Louis Angles, Judge

Before Division Three: Mark D. Pfeiffer, Presiding Judge, Alok Ahuja, Judge, and Thomas N. Chapman, Judge

Mr. Daniel Andrade-Arellanos ("Appellant") appeals the judgment of the Circuit Court of Clay County ("trial court") affirming the administrative revocation of his driving privileges by the Missouri Director of Revenue ("Director") pursuant to section 302.574.[1] In his sole point on appeal, Appellant argues there was no substantial evidence to support the trial court's finding that the arresting officer had reasonable grounds to believe that

[1] All statutory references are to THE REVISED STATUTES OF MISSOURI (2016), as supplemented through July 10, 2023, unless otherwise indicated.

Appellant was driving while in an intoxicated condition at the time of his arrest. Finding no error, we affirm.

Factual and Procedural Background[2]

On July 10, 2023, Officer[3] received information of a careless and imprudent driver on Highway 169. The reporting caller stated the vehicle had veered off of the roadway several times and was engaging in unsafe driving. In response, Officer positioned himself on Highway 169 to wait for the vehicle to pass him. Shortly thereafter, Appellant's vehicle passed Officer speeding at a rate of sixty-two miles per hour in a thirty-five-mile-per-hour zone. In an attempt to stop the vehicle, Officer followed the vehicle with his lights and sirens activated. After the vehicle maintained its speed and refused to pull over after an extended period of time, Officer initiated a pursuit. During this pursuit, Officer observed the vehicle crossing the center line and fog lines a total of five times, noting that nearly one-third to one-half of the vehicle swerved over the line each time. Appellant eventually activated his turn signal, abruptly turned into a driveway off of the highway, and parked in the front yard of a residence.

Because Appellant had been fleeing the car stop and had not yielded to the Officer's emergency equipment within a reasonable time, Officer initiated a felony

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[2] "When reviewing whether a [trial] court's judgment is supported by substantial evidence, appellate courts view the evidence in the light most favorable to the [trial] court's judgment and defer to the [trial] court's credibility determinations." *Wilmoth v. Dir. of Revenue*, 669 S.W.3d 102, 112 (Mo. banc 2023) (quoting *Ivie v. Smith*, 439 S.W.3d 189, 200 (Mo. banc 2014)). This Court "will not second guess the trial court on the contested facts." *White v. Dir. of Revenue*, 321 S.W.3d 298, 312 (Mo. banc 2010).

[3] Per Missouri Supreme Court Operating Rule 2.02(c)(3), we do not identify the names of non-party witnesses in our ruling today.

vehicle stop. Officer exited the police vehicle, drew his firearm, and gave verbal commands to Appellant to put his hands out of the window. In defiance of Officer's instructions, Appellant instead exited the vehicle and began stumbling toward Officer. When Officer told Appellant to stop and kneel on the ground, Appellant again ignored his commands and continued approaching Officer. Once Appellant was within an arm's distance from Officer, Officer holstered his firearm, physically restrained and moved Appellant to the ground, and handcuffed him. Officer informed Appellant he was under arrest.

While Appellant was handcuffed on the ground, Officer began noticing additional obvious signs that Appellant was intoxicated. Officer noted the smell of alcohol emanating from Appellant and that Appellant had glassy and bloodshot eyes. Officer observed that Appellant's shirt was soiled with vomit. Appellant asked Officer repeatedly if he could urinate in the yard of the residence and would not speak about anything else. Appellant's speech was slurred, and he could not stand without stumbling or without assistance. Appellant continued to ignore Officer's commands and behaved in a belligerent manner.

When Officer's partner arrived at the scene to provide backup assistance, Appellant was placed in the rear of a patrol car. While being placed in the vehicle, Appellant continued to resist Officer's directions and refused to speak about anything other than his desire to urinate in the yard of the residence. Officer then searched Appellant's vehicle and found two containers of alcohol on the driver's side of the

vehicle. While in transport to the police station, Appellant admitted that he had too much to drink.

Once Appellant arrived at the station, he insisted on using the bathroom. However, Appellant was unable to use the restroom because he could not maintain his balance. Officer then read the Implied Consent advisory[4] relating to a driving while intoxicated ("DWI") arrest and a *Miranda*[5] warning to Appellant, and then otherwise completed the DWI arrest process. When Officer requested that Appellant submit to a chemical test, Appellant refused.

In addition, Officer issued citations for five other offenses: driving while revoked or suspended, speeding twenty-six to thirty miles per hour over the speed limit, failing to

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[4] The Implied Consent advisory contained within Officer's Alcohol Influence Report requires the arresting officer to advise a person in custody that is over the age of twenty-one of the following information:

1. You are *under arrest and I have reasonable grounds to believe you were driving a vehicle while you were in an intoxicated condition*. (Emphasis added.)
2. To determine the alcohol or drug content of your blood, I am requesting you submit to a chemical test of your [] Breath, [] Blood, Other . . .
3. If you refuse to take the test(s), your driver's license will immediately be revoked for one year.
4. Evidence of your refusal to take the test(s) may be used against you in prosecution in a court of law.
5. Having been informed of the reasons for requesting the test(s), will you take the test(s)? [] Yes [] No

[5] *Miranda v. Arizona*, 384 U.S. 436 (1966).

yield a right-of-way to an emergency vehicle, failing to drive within a single lane, and resisting arrest.

Pursuant to section 577.041, Appellant's driving privileges were administratively revoked for a period of one year for failing to submit to a chemical test after his DWI arrest. On September 1, 2023, Appellant filed a petition alleging that his driving privilege should not be revoked because the Officer did not have reasonable grounds to believe that Appellant was driving while intoxicated at the time of his arrest.

On October 7, 2024, a bench trial was held on the petition. Director presented testimony from Officer and Respondent's Exhibit One, which included Officer's Alcohol Influence Report, Officer's Application for Search Warrant, and reports prepared by Officer and Officer's partner following Appellant's arrest. Appellant presented no affirmative evidence. On November 1, 2024, the trial court issued its Findings of Fact, Conclusions of Law, and Judgment, affirming the administrative revocation.

Appellant appealed, arguing there was not sufficient evidence to support the trial court's judgment.

Standard of Review

Review of a court-tried case involving revocation of a driver's license is governed by *Murphy v. Carron*, 536 S.W.2d 30 (Mo. banc 1976). *Swisher v. Dir. of Revenue*, 709 S.W.3d 468, 472 (Mo. App. W.D. 2025). This court will affirm the trial court's judgment unless "there is no substantial evidence to support it, it is against the weight of the evidence, or it erroneously declares or applies the law." *White v. Dir. of Revenue*, 321

S.W.3d 298, 307-08 (Mo. banc 2010). Probable cause[6] determinations are reviewed *de novo* for an abuse of discretion. *Id.* at 310. "[A]ll fact issues upon which no specific written findings are made must be considered as having been found in accordance with the result reached . . . ." *Harvey v. Dir. of Revenue*, 371 S.W.3d 824, 829 (Mo. App. W.D. 2012). In its review of not-supported-by-substantial-evidence challenges, this Court "must act with caution and will reverse only upon a firm belief that the judgment is wrong." *Lewis v. Lewis*, 671 S.W.3d 734, 739 (Mo. App. W.D. 2023) (quoting *Burke v. McHenry*, 585 S.W.3d 819, 824 (Mo. App. W.D. 2019)).

Analysis

"Under Missouri law, a police officer may seize a driver's license during a traffic stop or an arrest when (1) the officer has reasonable grounds to believe the driver is operating the vehicle while intoxicated and (2) the driver refuses to consent to a chemical sobriety test." *Swisher*, 709 S.W.3d at 470 (citing § 302.574.1-2). Upon receipt of an officer's sworn report of the encounter, the Director shall revoke the driver's Missouri driving privileges for one year. *Id.* (citing § 302.574.2-3). A driver whose license has been revoked for failure to submit to a chemical test may petition the circuit court for a hearing to determine only: "(1) Whether the person was arrested or stopped; (2) Whether the officer had[] (a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; . . . and (3) Whether the person

[6] We use the terms "probable cause" and "reasonable grounds" interchangeably because "reasonable grounds is virtually synonymous with probable cause." *White*, 321 S.W.3d at 305 n.6 (citation modified) (quoting *Guhr v. Dir. of Revenue*, 228 S.W.3d 581, 584 (Mo. banc 2007)).

refused to submit to the test." § 302.574.4. "If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive." *Guhr v. Dir. of Revenue*, 228 S.W.3d 581, 584 (Mo. banc 2007) (quoting § 577.041.5 (2007)), *overruled on other grounds by White*, 321 S.W.3d at 307.

Appellant does not challenge the trial court's findings that he was arrested or that he refused to submit to a chemical test. Instead, he argues there was not sufficient evidence to support the trial court's conclusion that Officer had reasonable grounds to believe Appellant had been driving while intoxicated when he was arrested for that offense.

> The probable cause required for the suspension or revocation of a[n Appellant's] license is the level of probable cause necessary to arrest a[n Appellant] for an alcohol-related violation. That level of probable cause will exist when a police officer observes unusual or illegal operation of a motor vehicle and observes indicia of intoxication upon coming into contact with the motorist. . . . There is a vast gulf between the quantum of information necessary to establish probable cause and the quantum of evidence required to prove guilt beyond a reasonable doubt. The trial court must assess the facts by viewing the situation as it would have appeared to a prudent, cautious, and trained police officer.

Swisher, 709 S.W.3d at 473 (omission in original) (quoting *Wilmoth v. Dir. of Revenue*, 669 S.W.3d 102, 113 (Mo. banc 2023)). "The trial court applies an objective standard in making this determination." *Warner v. Missouri Dir. of Revenue*, 240 S.W.3d 745, 750 (Mo. App. W.D. 2007) ("The issue is not what the officer *subjectively* relied upon in deciding whether to arrest [the driver]. The test is an objective one: given the facts available to the officer at that time, would an objectively reasonable officer have concluded that there was probable cause to believe that [the driver] had been driving

while intoxicated."). "Probable cause depends upon the information the officer possessed prior to the arrest and the reasonable inferences that can be drawn therefrom." *Id.*

Appellant argues that Officer did not have reasonable grounds to believe he was intoxicated when he was arrested because Officer improperly considered evidence of intoxication obtained *after* Appellant had been arrested for DWI. In doing so, Appellant incorrectly posits that there was only *one* arrest in this case. Appellant argues that he was arrested *for DWI* when Officer conducted his felony stop after the initial vehicle pursuit and Appellant's resistance to Officer's commands led Officer to physically restrain and handcuff Appellant. Appellant then argues that it was not until *after* he had been handcuffed and arrested that Officer first began to observe indications of intoxication that formed the basis of probable cause to arrest Appellant for that offense. Appellant's argument is without merit for several reasons.

First, the facts adduced at trial clearly indicate that Appellant was arrested *twice*—once at the scene of the felony car stop when Appellant resisted clear instructions of Officer and *again* at the police station—when Appellant was first provided the Implied Consent advisory and was then notified, at that time, that he was under arrest for DWI.

Section 544.180 states that an "arrest is made by an actual restraint of the person of the defendant, or by his submission to the custody of the officer . . . ." The first arrest took place during the initial felony car stop when Officer physically restrained Appellant by placing him in handcuffs. *Broyles v. Dir. of Revenue*, 419 S.W.3d 218, 224 n.5 (Mo. App. S.D. 2014) ("Broyles also argues there was only one arrest in this case, which was immediately after Broyles was stopped. We disagree. Broyles was clearly arrested at the

scene of the stop. . . . The first arrest took place when Broyles was restrained by Officer Fillmore and placed in handcuffs."). When Officer placed Appellant in handcuffs, he arrested him for other acts *other than DWI*.[7] "Section 577.041 does not require the officer to have probable cause to believe the person was driving while intoxicated when the officer makes the initial stop or arrests the driver for other violations." *Mannino v. Dir. of Revenue*, 556 S.W.3d 667, 671 (Mo. App. E.D. 2018).

The arrest for DWI, the only arrest that is material to this appeal, did not occur until after Appellant had been handcuffed and transported to the police station. Specifically, Officer arrested Appellant for DWI after he read the Implied Consent advisory and provided a *Miranda* warning to Appellant. *Broyles*, 419 S.W.3d at 224 n.5 ("The second arrest took place when Officer Fillmore read Broyles the *Miranda* warning, the Implied Consent, announced Broyles was under arrest for DWI and issued Broyles a citation for DWI."); *Dixon v. Dir. of Revenue*, 118 S.W.3d 302, 308 n.8 (Mo. App. S.D. 2003) ("The recitation of *Miranda* warnings, an announcement that he was under arrest for DWI, a reading of the implied consent form, and the issuance of a citation for DWI were sufficient to effectuate Dixon's arrest under the circumstances faced by officer Fiene."); *Mills v. Dir. of Revenue*, 568 S.W.3d 904, 909 (Mo. App. W.D. 2019) ("Officer Garton effectuated Mills's arrest for operating a motor vehicle in an intoxicated condition when he read him the Implied Consent advisory.").

[7] The record demonstrates that before being placed in handcuffs, Appellant had, *at minimum*, fled a traffic stop after a law enforcement vehicle's emergency lights and sirens had been initiated and sped nearly thirty miles over the speed limit in violation of Missouri law.

Thus, when determining whether there was probable cause to arrest for DWI, Officer properly considered *additional* evidence of intoxication gathered after he handcuffed Appellant at the initial felony vehicle stop (the first arrest) but before he read Appellant the Implied Consent advisory at the police station (the second arrest). *See Guhr*, 228 S.W.3d at 584 (holding that, where the Appellant was arrested twice—first for violations unrelated to DWI, and second for DWI, "[t]he probable cause determination must be made by evaluating the information in the officer's possession prior to the second arrest rather than the first."); *Broyles*, 419 S.W.3d at 223 ("[A]n arresting officer may develop reasonable grounds to arrest a person for DWI even after that individual has been placed under arrest for other acts.").[8]

The only remaining question, then, is whether Officer had reasonable grounds to believe Appellant was driving while intoxicated before he was arrested at the police station for that offense.

The record overwhelmingly shows that a reasonably prudent officer would have had sufficient information in his possession to constitute reasonable grounds that

[8] We reject any suggestion made by Appellant that an officer who first arrests a person for other criminal offenses cannot later develop probable cause to arrest that person for driving while intoxicated. *See, e.g.*, *Broyles v. Dir. of Revenue*, 419 S.W.3d 218, 223 (Mo. App. S.D. 2014) ("If we were to accept Broyles' argument, it would mean an officer that arrests an individual for other criminal violations, could not later have probable cause to also arrest the individual for DWI, even if the individual made a complete confession, simply because the evidence of intoxication was not evident to the officer until after he arrested the individual for the other criminal violations. Broyles' argument is that once the officer comes close to the suspect, it is too late to establish 'probable cause' to arrest for DWI simply because the officer already placed the individual under arrest for another charge.").

Appellant had been driving while intoxicated. The evidence presented at trial demonstrated that Appellant sped nearly thirty miles over the speed limit, swerved over the center line and fog lines at least five times, fled Officer's vehicle stop, parked in the front yard of a residence when he finally yielded to Officer's emergency lights and sirens, and ignored all of Officer's commands at the initial stop. While not direct evidence of intoxication, an arresting officer may "rely on circumstantial evidence to logically infer that a person was driving while intoxicated." *Stanton v. Dir. of Revenue*, 616 S.W.3d 398, 407 (Mo. App. W.D. 2020).

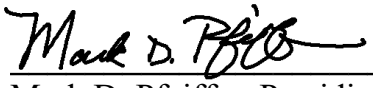
Thereafter, once Appellant was handcuffed and arrested for the first time, Officer began to notice additional signs of intoxication—that Appellant had glassy and bloodshot eyes, smelled of alcohol, had soiled his shirt with vomit, could not walk without an officer's assistance, was being uncooperative and belligerent, and insisted on urinating in the residence's front yard. *See Hinnah v. Dir. of Revenue*, 77 S.W.3d 616, 621 (Mo. banc 2002) (holding there was sufficient evidence to support a finding of probable cause where "[t]he officer testified that he observed Hinnah . . . had a strong odor of alcohol on his breath, had watery, glassy, bloodshot eyes, had difficulty maintaining his balance, and that he admitted to driving the vehicle, striking a concrete barrier and flattening the tire."); *Swan v. Vincent*, 268 S.W.3d 422, 427 (Mo. App. W.D. 2008) ("The officer saw empty beer cans and a bottle of rum in and about the vehicle. Swan had a strong odor of alcohol, he had glassy and watery eyes, and he behaved in a belligerent and uncooperative manner."). While in transport to the police station, Appellant admitted he had too much to drink. *See State v. Wilson*, 692 S.W.3d 54, 69 (Mo. App. E.D. 2024)

("Wilson admitted to drinking five beers that evening, including four in the last hour before his arrest."). Appellant was unable to use the restroom at the police station because he was stumbling and could not maintain his balance. Therefore, "[t]he officer's knowledge of the facts and circumstances at the time of the second arrest, as transcribed in his narrative [and his testimony at trial], was sufficient to warrant a prudent person's belief that [Appellant] had committed the offense of driving while intoxicated." *Guhr*, 228 S.W.3d at 586.

Based on the evidence of intoxication presented at trial by the Director, we find there was substantial evidence to support the trial court's finding that Officer had reasonable grounds to believe Appellant was driving while intoxicated before he was arrested for that offense. Point denied.

Conclusion

The judgment of the trial court is affirmed.



Mark D. Pfeiffer, Presiding Judge

Alok Ahuja, Judge, and Thomas N. Chapman, Judge, concur.