



**In the Missouri Court of Appeals
Eastern District
DIVISION ONE**

VERNON HENDERSON,)	No. ED100762
)	
Respondent,)	Appeal from the Circuit Court of
)	St. Louis County
vs.)	13SL-AC00490
)	
DIRECTOR OF REVENUE,)	Honorable Thomas J. Prebil
STATE OF MISSOURI,)	
)	
Appellant.)	Filed: June 24, 2014

OPINION SUMMARY

The Director of Revenue appeals the judgment reinstating Vernon Henderson's driving privileges on the ground that Henderson did not refuse to submit to a chemical test of his breath. In the underlying case, Henderson agreed to take a chemical breath test after being arrested for driving while intoxicated and being informed of Missouri's Implied Consent Law, the breath test was completed and registered a BAC, Henderson subsequently refused to submit to a urine test, and the Director revoked Henderson's driving privileges for refusing to submit to the urine test.

REVERSED AND REMANDED.

Division One holds:

The Director had the authority to revoke Henderson's driving privileges because Henderson refused to submit to the urine test and it is uncontested that the Director otherwise met his burden for revocation. Therefore, the trial court erred in reinstating Henderson's driving privileges. The judgment is reversed and the cause is remanded to the trial court with directions to enter a judgment reinstating the revocation of Henderson's driving privileges.

Opinion by: Glenn A. Norton, J. Roy L Richter, P.J. & Clifford H. Ahrens, J., concur.

Attorney for Appellant: Chris Koster & Gabriel E. Harris

Attorney for Respondent: Jermaine Wooten

**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.**