

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

TAYLOR L. SHOMAKER,) No. ED102842
)
Respondent,) Appeal from the Circuit Court of
) St. Charles County
vs.)
) Honorable Matthew E.P. Thornhill
DIRECTOR OF REVENUE,)
)
Appellant.) Filed: May 17, 2016

The Director of Revenue appeals the judgment of the Circuit Court of St. Charles County reinstating the driving privileges of Taylor Shomaker (Driver) whose license was suspended for driving while intoxicated. On appeal, the Director argues the trial court erred by determining that the Director failed to present sufficient evidence of compliance with 19 CSR 25-30.051. We reverse.

REVERSED AND REMANDED

Division Two Hold:

- (1) The supplier of the gas mixture used to calibrate the breath analyzer used to test Driver's blood alcohol content at the time of his arrest was an approved supplier under 19 CSR 25-30.051. Proof that the supplier was also the manufacturer was not required under the regulation. Therefore, excluding the BAC results was error.

Opinion by: Philip M. Hess, P.J.
Gary M. Gaertner, Jr., J. and Angela T. Quigless, J. concur.

Attorney for Appellant: Rachel M. Jones

Attorney for Respondent: Travis L. Noble, Jr.

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.
