

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ROBERT E. SCHNITZER, JR.,)	No. ED92638
)	
vs.)	Appeal from the Circuit Court of
)	St. Louis County
DIRECTOR OF REVENUE, STATE OF)	
MISSOURI, Respondent.)	Filed: October 20, 2009

OPINION SUMMARY

Robert Schnitzer appeals the Circuit Court of St. Louis County's judgment finding proper the Director of Revenue's assessment of points and suspension of his driver's license. Schnitzer claims that the Director failed to carry her burden of proving he was convicted of an offense in Wyoming, which, if committed in Missouri, would result in the assessment of points against his driver's license.

AFFIRMED.

Division Two Holds: Director presented competent and substantial evidence that Schnitzer was convicted of driving, rather than being in actual physical control of, a vehicle while under the influence of alcohol. Thus, Director carried her burden of establishing a prima facie case that Schnitzer was not entitled to his driver's license because he was convicted of an offense in Wyoming that, if committed in Missouri, would result in the assessment of points. Schnitzer offered no contrary evidence and failed to carry his burden of persuading the trial court that the facts upon which Director relied in assessing points and suspending his license were untrue or were legally insufficient to support the suspension of his license.

Opinion by: Patricia L. Cohen, J. Sherri B. Sullivan, P.J., and Robert G. Dowd, Jr., concur.

Attorney for Appellant: Mitchell D. Johnson

Attorney for Respondent: James A. Chenault, III

<p>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.</p>
