

OPINION SUMMARY  
MISSOURI COURT OF APPEALS EASTERN DISTRICT

JAMES MARK ROHLMAN,	)	No. ED94078
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	
	)	
DIRECTOR OF REVENUE, STATE	)	
OF MISSOURI,	)	Hon. Margaret McCartney
	)	
Appellant.	)	FILED: October 26, 2010

The Director of Revenue of the State of Missouri (“Director”) appeals from the judgment of the trial court that ordered the Director to remove a sixty-day suspension from the driving record of James M. Rohlman (“Driver”).

REVERSED AND REMANDED.

DIVISION THREE HOLDS: The trial court erred in ordering the sixty-day suspension removed from Driver’s record. Under section 302.160 RSMo 2000, the Director could not assess the points for Driver’s out-of-state conviction for speeding until she received notice of that conviction, and having assessed the points, is obligated to check the accumulation of points. Under section 302.304.3, the Director has no discretion, and was obligated to suspend Driver’s license a second time.

Opinion by: Clifford H. Ahrens, J.                      Sherri B. Sullivan, P.J., and Lawrence E. Mooney, J., concur.

Attorney for Appellant:            Chris Koster

Attorney for Respondent:        Todd Muchnick

<b>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.</b>
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