

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

CAROLYN SUE COVERT, Respondent,)	No. ED95862
)	
vs.)	Appeal from the Circuit Court
)	of Franklin County
DIRECTOR OF REVENUE, STATE OF)	
MISSOURI, Appellant.)	Filed: June 21, 2011

The Director of Revenue (“the Director”) appeals from the judgment setting aside the suspension of the driving privileges of Carolyn Covert (“Driver”). The Director argues the trial court erred in setting aside the suspension of Driver’s driving privileges because the trial court misinterpreted Sections 577.037, RSMo Cum. Supp. 2008,¹ and 577.041 in that the trial court sustained the revocation and overturned the suspension of Driver’ driving privileges because the trial court found the statutes required exclusion of blood alcohol evidence obtained pursuant to a court-issued warrant.

REVERSED AND REMANDED.

Division IV holds: The trial court erred in setting aside the suspension of Driver’s driving privileges because the trial court misinterpreted Sections 577.037 and 577.041. Those statutes do not require the exclusion of blood alcohol evidence obtained pursuant to a court-issued warrant. The suspension of Driver’s driving privileges should be reinstated.

Opinion by: Robert G. Dowd, Jr., J.
Kurt S. Odenwald, P.J. and Gary P. Kramer, Sp.J., concur.

Attorneys for Appellant:	Jayne T. Woods and Jamie P. Rasmussen
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Attorney for Respondent:	Kevin A. Richardson
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**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.**

¹ All further statutory references are to RSMo Cum. Supp. 2008, unless otherwise indicated.