

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION ONE

ROBERT JOSEPH SMITH,	)	No. ED99251
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of Jefferson County
vs.	)	
	)	
DIRECTOR OF REVENUE,	)	Honorable Robert Wilkins
STATE OF MISSOURI,	)	
	)	
Appellant.	)	FILED: October 1, 2013

The Director of Revenue ("Director") appeals from the judgment reinstating the driving privileges of Robert J. Smith ("Smith"). The judgment reinstating Smith's driving privileges is reversed, and the cause remanded.

#### REVERSED AND REMANDED

Division One Holds: Before striking the written reports of Officer Snodgrass, the trial court was obligated to determine the validity of the subpoenas issued to secure his attendance at trial. In the absence of such review, the trial court was without substantial evidence that Officer Snodgrass was properly and duly subpoenaed and, therefore, could not strike Officer Snodgrass's written reports.

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

Attorneys for Appellant: Rachel Jones  
Attorneys for Respondent: Travis L. Noble, Jr.

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
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