

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

CITY OF MOLINE ACRES,)	No. ED99787
)	
Plaintiff/Appellant,)	Appeal from the Circuit Court of
)	St. Louis County
vs.)	
)	Honorable Mary B. Schroeder
CHARLES W. BRENNAN,)	
)	Filed: January 28, 2014
Defendant/Respondent.)	

City of Moline Acres (“City”) appeals from the judgment of the Circuit Court of St. Louis County, dismissing its prosecution of Charles Brennan after finding the Ordinance under which it prosecuted Brennan to be in conflict with state law. On appeal, City contends the trial court erred in dismissing its action because the Ordinance does not conflict with State law; (2) was validly enacted pursuant to City’s police powers; and (3) did not violate Brennan’s due process rights.

AFFIRMED.

DIVISION FOUR HOLDS: By imposing strict liability on the owner of a vehicle when the driver of that vehicle is recorded traveling in excess of the speed limit, the ordinance conflicts with state law to the extent that it permits the prosecution and penalization of persons who were not actually driving the vehicle. Accordingly, the trial court did not err in sustaining Brennan’s motion to dismiss.

Opinion by: Lisa S. Van Amburg, P. J.,
Patricia L. Cohen, J. and Phillip M. Hess, J. concur.

Attorney for Appellant: Edward Sluys;
Kenneth J. Heinz (co-counsel)

Attorney for Respondents: W Bevis Schock;
Hugh Athelstan Eastwood (co-counsel)

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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