

**MISSOURI APPELLATE COURT OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STATE OF MISSOURI, RESPONDENT,**  
v.  
**DARRELL R WILSON, APPELLANT.**

No. WD 69083

Clay County

Before Division Three Judges: Ellis, P.J., Holliger and Dandurand, JJ.

Darrell Wilson appeals his conviction for driving while intoxicated in an incident that resulted in a car accident that caused injury to Wilson. He argues that the State failed to prove that he drove the vehicle while intoxicated.

**REVERSED.**

**Division Three holds:**

The State failed to produce any evidence concerning where the accident occurred, when a trooper arrived on the scene or the hospital, what time the trooper observed Wilson undergoing treatment, or when a blood sample was drawn. The sole evidence presented was the testimony of Wilson's passenger who testified Wilson had been drinking at a party. The State failed to prove the elements of the offense beyond a reasonable doubt.

**Opinion by: Ronald R. Holliger, Judge**

Date: November 4, 2008

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