

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

NATALIE R. ROSS,

APPELLANT,

v.

DIRECTOR OF REVENUE,

RESPONDENT.

DOCKET NUMBER WD69900

DATE: June 9, 2009

Appeal From:

PLATTE COUNTY CIRCUIT COURT

THE HONORABLE DANIEL M. CZAMANSKE, JUDGE

Appellate Judges:

Division Two: LISA WHITE HARWICK, Presiding Judge, VICTOR C.

HOWARD, Judge, and ZEL M. FISCHER, Special Judge

Attorneys:

Jeffrey S. Eastman, Esq., Gladstone, MO, **for appellant.**

Margaret K. Landwehr, Esq., Jefferson City, MO, **for respondent.**

**MISSOURI APPELLATE COURT OPINION
SUMMARY**

COURT OF APPEALS -- WESTERN DISTRICT

NATALIE R. ROSS,

APPELLANT,

v.

DIRECTOR OF REVENUE,

RESPONDENT.

WD69900

Platte County

Before Division Two Judges: Lisa White Hardwick, Presiding Judge, Victor C. Howard, Judge, and Zel M. Fischer, Special Judge

The Director of Revenue revoked Natalie Ross's driving privileges for refusing to submit to a breath analysis test. The circuit court affirmed the revocation. On appeal, Ms. Ross contends the Director did not present evidence of a lawful arrest and , thus, failed to establish a key element of the revocation case.

REVERSED.

Division Two holds: Ms. Ross was arrested for driving while intoxicated more than ninety minutes after the alleged violation. Consequently, the arrest was unlawful under Section 577.039 and cannot provide evidence of an arrest for purposes of an administrative revocation. The suspension is reversed and Ms. Ross's license is reinstated.

Opinion by: Lisa White Hardwick, Judge

June 9, 2009

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.

