

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI,
RESPONDENT
vs.**

**KALVIN M. LOYD,
APPELLANT**

DOCKET NUMBER WD71836 (Consolidated with WD71837)

DATE: APRIL 12, 2011

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Peggy Stevens McGraw, Judge

Appellate Judges:

Division One: Thomas H. Newton, P.J., James M. Smart, Jr. and Joseph M. Ellis, JJ.

Attorneys:

Meghan A. Litecky, for Respondent

Frederick J. Ernst, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, RESPONDENT

v.

KALVIN M. LOYD, APPELLANT

WD71836

Jackson County, Missouri

Before Division One Judges: Thomas H. Newton, P.J., James M. Smart, Jr. and Joseph M. Ellis, JJ.

Kalvin M. Loyd appeals from his convictions on two counts of Class A misdemeanor driving while revoked, § 302.321. Loyd contends that the trial court erred in overruling his motion to suppress evidence discovered after he was stopped by the police because the police did not have reasonable suspicion or probable cause to initiate a computer check of his license plate number. He further argues that, even if the computer check was proper, the State failed to present evidence demonstrating that the police had specific articulable facts to indicate that Loyd was in the vehicle.

AFFIRMED.

Division One holds:

- (1) When a law enforcement officer sees a license plate in plain view and performs a computer check of the license number to access non-private information about the car and its owner in a law enforcement database, it is not a “search” for the purposes of the Fourth Amendment of the United States Constitution or Article I, § 15 of the Missouri Constitution.
- (2) The evidence supported the trial court’s determination that the investigative stops of the vehicle were supported by reasonable suspicion. Even though the computer check did not reflect that Loyd was the owner of the vehicle and the officer offered no testimony explaining why Loyd’s name and the warrant would be associated with this vehicle or license plate, a video tape of the second stop, admitted into evidence at trial, contained comments by another officer stating that, in the MULES database, warrants are assigned to the license plate numbers of vehicles in which the individual for whom the warrant was issued has previously been stopped and ticketed or arrested. Thus, Loyd’s name and warrant information appeared because the warrant was issued on that license plate number based on Loyd having been stopped in the same vehicle previously. Under these circumstances, a law enforcement officer receiving MULES computer information that there was an arrest warrant

associated with that license plate has a reasonable suspicion to justify an investigative stop of the vehicle to see if the person for whom the warrant was issued is present therein.

Opinion by Joseph M. Ellis, Judge

Date: April 12, 2011

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