

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

Respondent,

v.

JEFFERY S. BURNS,

Appellant.

DOCKET NUMBER WD73348

Date: February 28, 2012

Appeal from:
Sullivan County Circuit Court
The Honorable Gary E. Ravens, Judge

Appellate Judges:
Division Four: Lisa White Hardwick, Chief Judge, Presiding, Joseph M. Ellis and
Alok Ahuja, Judges

Attorneys:
Allan D. Seidel, Trenton, MO, for appellant.
Shaun J. Mackelprang and Evan J. Buchheim, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI

Respondent,

v.

JEFFERY S. BURNS,

Appellant.

WD73348

Sullivan County

Before Division Four: Lisa White Hardwick, Chief Judge, Presiding, Joseph M. Ellis and Alok Ahuja, Judges

Jeffrey Burns challenges the sufficiency of the evidence to support his convictions for driving while intoxicated (“DWI”) and imprudent driving and the lawfulness of the initial traffic stop. He contends: (1) the evidence failed to establish that he improperly operated his vehicle on a “road or highway” as the applicable statute requires; and (2) the State failed to prove the element of intoxication because no officer gave an opinion as to whether Burns was intoxicated.

AFFIRMED.

Division Four holds: (1) The evidence supports the circuit court’s finding that Burns was guilty of careless and imprudent operation of a motor vehicle on a road or highway because he drove across a sidewalk and curb while entering a public street; (2) there was sufficient evidence, based on the arresting officer’s

observations and testimony about Burns' behavior, to support a finding of intoxication. The judgment of conviction is affirmed.

Opinion by: Lisa White Hardwick, Chief Judge

February 28, 2012

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