

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI

**v.
LUCAS D. JEWELL**

APPELLANT,

RESPONDENT.

DOCKET NUMBER WD78039

DATE: April 21, 2015

Appeal From:

Nodaway County Circuit Court
The Honorable Glen A. Dietrich, Judge

Appellate Judges:

Division Three: Gary D. Witt, Presiding Judge, James E. Welsh, Judge and Zel M. Fischer,
Special Judge

Attorneys:

Robert L. Rice, Maryville, MO, for appellant.

Robert E. Sundell, Maryville, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
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STATE OF MISSOURI,

APPELLANT,

v.

LUCAS D. JEWELL,

RESPONDENT.

No. WD78039

Nodaway County

Before Division Three: Gary D. Witt, Presiding Judge, James E. Welsh, Judge and Zel M. Fischer, Special Judge

While driving on the campus of Northwest Missouri State University, Lucas Jewell, a student there, was pulled over by a campus police officer for failing to stop at two posted stop signs. When the officer made contact with him he smelled the odor of alcohol. After failing sobriety tests, Jewell was arrested and charged with driving under the influence. Jewell filed a motion to suppress the evidence obtained following his stop, in which he alleged that the campus police officer was without authority to stop him because there was no evidence presented that the stop signs in question had been placed pursuant to a valid regulation adopted by the University's Board of Regents. The trial court agreed and granted the motion. On interlocutory appeal, the State raises two points of error. First, the State alleges that the court erred in granting Jewell's motion because it erroneously held that there was no legal justification for the officer's original stop. Second, the State argues that the campus police officer conducted a permissible administrative stop pursuant to sections 174.120 and 174.700.

AFFIRMED

Division Three holds:

(1) Without a valid regulation, authorized by statute, adopted by the governing body of the institution and placed into evidence that exhibits the Board's exercise of its authority over the various traffic control devices including the stop signs located on campus, we cannot find that these stop signs constituted official traffic control devices authorized by any legal authority. The state failed to establish the legality of the stop and therefore the evidence obtained as a result of that stop was properly suppressed.

(2) If the validity of the stop signs is not proven with a properly adopted, and statutorily authorized, regulation reflecting the Board's establishment of a stop sign at either location, then the officer's stop of the vehicle was impermissible and the evidence properly excluded.

Opinion by Gary D. Witt, Judge

April 21, 2015

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