

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

Appellant,

v.

PETER O. BALDWIN,

respondent.

DOCKET NUMBER WD78351

Date: March 29, 2016

Appeal from:
Jackson County Circuit Court
The Honorable Jack R. Grate, Judge

Appellate Judges:
Division Four: Alok Ahuja, C.J., P.J., Gary D. Witt, J. and Kathleen A. Forsyth, Sp. J.

Attorneys:
Joseph T. Yasso, Independence, MO for appellant
John R. Cullom, Kansas City, MO for respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI

v.

PETER O. BALDWIN,

Appellant,

Respondent.

WD78351

Jackson County

City of Grandview Police Officer Matthew Earnest stopped Respondent Peter Baldwin's vehicle based on his observation that Baldwin had failed to stop at a stop sign, and had driven in the wrong lane of traffic. After conducting an investigation, Officer Earnest arrested Baldwin for driving while intoxicated. The stop and arrest occurred outside the city limits of Grandview, but within Jackson County.

Baldwin was charged with driving while intoxicated. He moved to suppress the evidence resulting from his stop and arrest, on the basis that Officer Earnest had no authority to stop and arrest him outside the city limits of Grandview. The circuit court granted Baldwin's motion to suppress, and the State filed this interlocutory appeal pursuant to § 547.200.1(3), RSMo.

REVERSED AND REMANDED.

Division Four holds:

Section 70.820.5, RSMo provides in relevant part that "any peace officer of any political subdivision within any county of the first classification with a charter form of government" may arrest persons for violations of state law "within the boundaries of any county of the first classification," so long as the officer "has completed the basic peace [officer] training program pursuant to chapter 590."

Section 70.820.5 is potentially applicable here to justify Baldwin's stop and arrest, and the circuit court erred in granting Baldwin's suppression motion without addressing it. Here, the evidence establishes that: (1) Officer Earnest was employed by a political subdivision (the City of Grandview) located within a first-class county with a charter form of government (Jackson County); (2) Officer Earnest stopped and arrested Baldwin for conduct which would violate state law; and (3) the stop and arrest took place within a first-class county (Jackson County). The only remaining question is whether Officer Earnest had completed the training required by the statute. At the suppression hearing, Officer Earnest testified to his training, but the circuit court made no

factual findings concerning the issue. We remand the case to the circuit court to consider whether Officer Earnest had the required training, and also to address Baldwin's separate contention that Officer Earnest's observations did not establish probable cause to stop Baldwin's vehicle.

Before: Division Four: Alok Ahuja, C.J., P.J., Gary D. Witt, J. and Kathleen A. Forsyth, Sp. J.

Opinion by: Alok Ahuja, Judge

March 29, 2016

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