

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI

**v.
JEFFREY C. McCARTY**

RESPONDENT,

APPELLANT.

DOCKET NUMBER WD79095

DATE: October 4, 2016

Appeal From:

Cole County Circuit Court
The Honorable Thomas Sodergren, Judge

Appellate Judges:

Division Two: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Attorneys:

Mark A. Richardson and Garrick F.D. Aplin, Jefferson City, MO, for respondent.

Daniel E. Hunt and Anjali Gandhi, Jefferson City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI,

RESPONDENT,

v.

JEFFREY C. McCARTY,

APPELLANT.

No. WD79095

Cole County

Before Division Two: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Jeffrey McCarty appeals from the trial court's judgment convicting him of misdemeanor possession of an intoxicating liquor by a minor. McCarty argues that the trial court erred in overruling his motion to suppress evidence discovered through a traffic stop. McCarty claims that the evidence should have been suppressed because it was obtained following an investigatory traffic stop that was unsupported by reasonable suspicion that McCarty was involved in illegal activity.

REVERSED.

Division Two holds: The investigatory traffic stop of McCarty's vehicle, initiated after an anonymous tip about a loud argument in a parking lot, was not supported by reasonable suspicion. The anonymous caller did not report any identifying information about the persons involved in the argument other than that the argument involved a male and a female. The arresting officer did not observe McCarty's vehicle leaving the scene, or anything else about the vehicle or its occupants to support a reasonable suspicion that McCarty was or had been involved in criminal activity. Because the stop of McCarty's vehicle was unlawful, all evidence obtained after the initial stop should have been suppressed and excluded from evidence at trial.

Opinion by Cynthia L. Martin, Judge

October 4, 2016

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