

SUPREME COURT OF MISSOURI

Reed v. Director of Revenue

184 S.W.3d 564 (Mo. banc 2006) · No. SC 87082 · Decided February 14, 2006

SUMMARY

The Supreme Court of Missouri held that Nicholas Reed was arrested without a warrant in violation of section 577.039 because he was arrested more than one and one-half hours after the alleged DWI violation and had not left the scene of an accident as defined by the statute. Because the arrest violated the statutory requirements governing chemical testing, the court held that the blood alcohol test results were inadmissible in the driver's-license suspension proceeding. The court affirmed the circuit court's judgment reinstating Reed's driving privileges.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Richard B. Teitelman; Wolff, C.J.; Laura Denvir Stith; White, J.; Limbaugh, J.; Price, J.; Russell, J.
JURISDICTION	Missouri
DECIDED	February 14, 2006
DOCKET	SC 87082
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Director of Revenue appealed the circuit court's judgment reinstating Reed's driving privileges after the court ruled that his warrantless arrest violated section 577.039 and that the resulting blood-alcohol test was inadmissible.
STANDARD OF REVIEW	De novo review applies because matters outside the pleadings were presented and the motion for judgment on the pleadings was therefore treated as a motion for summary judgment; the issue was whether Reed was entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Missouri; precedential.
PARTIES	Director of Revenue v. Nicholas B. Reed

TOPICS

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QUESTIONS PRESENTED

1. Whether Reed's warrantless arrest more than one and one-half hours after the alleged DWI violation was lawful under section 577.039 because he had left the scene of an accident.
2. Whether the blood-alcohol test results were admissible in the civil proceeding to suspend or revoke Reed's driving privileges when the arrest violated section 577.039.
3. Whether the arrest and test results were nevertheless valid because Reed was also cited for careless and imprudent driving under section 577.020.1(1).
4. Whether the circuit court properly treated Reed's motion for judgment on the pleadings as a motion for summary judgment and reviewed the matter de novo.

HOLDINGS

1. Reed's warrantless arrest was illegal because it occurred more than one and one-half hours after the alleged violation and Reed had not left the scene of an accident within the meaning of section 577.039. An accident under that statute requires personal injury or property damage.
2. The blood-alcohol test results were inadmissible in the civil proceeding because section 577.037 conditions admissibility on compliance with sections 577.020 through 577.041, and Reed's arrest violated section 577.039.
3. The careless-and-imprudent-driving citation did not avoid section 577.039 because Reed was arrested for driving while intoxicated, and both the arrest and admissibility of the blood-alcohol results were governed by section 577.039.
4. Because matters outside the pleadings were presented and not excluded, the circuit court's judgment on the pleadings was treated as a summary judgment and reviewed de novo.

KEY QUOTATIONS

"In order for section 577.039 to be consistent with section 577.060, the term "accident" in section 577.039 also requires either property damage or personal injury." (567)

"A failure to comply with the provisions of sections 577.020 to 577.041 means that the chemical analysis is not admissible in civil proceedings to suspend or revoke a driver's license." (568)

FACTUAL BACKGROUND

Reed backed his truck into a ditch at approximately 3:00 a.m., causing no vehicle, personal, or adjacent property damage, and walked home. About three hours later, police returned him to the scene, observed signs of intoxication, and arrested him without a warrant at 6:46 a.m. Reed consented to a breath test showing a blood-

alcohol concentration of 0.136 percent. The Director suspended Reed's driving privileges based on the arrest and test.

PROCEDURAL HISTORY

The Director administratively suspended Reed's driving privileges. Reed petitioned for a trial de novo and moved for judgment on the pleadings or, alternatively, summary judgment. The circuit court treated the matter as one involving matters outside the pleadings, reinstated Reed's driving privileges, and the Director appealed. The Supreme Court of Missouri granted transfer after an opinion by the court of appeals and affirmed.

DISPOSITION

affirmed

CASES CITED

- ITT Commercial Finance v. Mid-America Marine Supply Corp., 854 S.W.2d 371, 380 (Mo. banc 1993)
- Romans v. Director of Revenue, 783 S.W.2d 894, 896 (Mo. banc 1990)
- Hinnah v. Director of Revenue, 77 S.W.3d 616, 619 (Mo. banc 2002)
- Sellenriek v. Director of Revenue, 826 S.W.2d 338, 340 (Mo. banc 1992)
- Cox v. Director of Revenue, 98 S.W.3d 548, 550 (Mo. banc 2003)
- State v. Madorie, 156 S.W.3d 351 (Mo. banc 2005)
- Vance Bros., Inc. v. Obermiller Construction Services, Inc., 181 S.W.3d 562 (Mo. banc 2006)