IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI
Associate Division 21

STATE OF MISSOURI,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. [redacted]
[redacted]	)	
	)	
	)	
Defendant,	)	

JUDGMENT

As set forth in State v Hoy, 219 S.W.3d 796 (Mo.App.S.D. 2007) a determination that a defendant is "under the influence" of a proscribed substance (alcohol, controlled substance or drug) to satisfy the "intoxicated condition" element of the offense of driving while intoxicated under 577.010.1, is composed of three components: (1) impaired ability- the defendant's impaired ability in any manner to operate a motor vehicle at the time of alleged offense; (2) presence of the substance- the presence of the proscribed substance in the defendant's body at the time of the alleged offense; and (3) causation- the causal connection between the presence of the proscribed substance and the impaired ability to operate a motor vehicle. If any component is not supported by sufficient evidence, then the intoxicated-condition element of the offense is not supported by sufficient evidence.

In the present case there was not a single witness who testified to seeing the defendant's impaired ability to operate a motor vehicle. Stated another way, there was no evidence of erratic driving. The defendant did not bounce over a curb, weave across lane lines of a street, or hit the menu board at Sonic with his vehicle. Therefore, the state has failed to carry its burden of proof and the defendant is found not guilty beyond a reasonable doubt. Exhibits are returned to the parties.

Date: September 17, 2021

Jerry A. Harmison Jr., Judge