---

**MUNICIPAL ORDINANCE - MISSOURI**

## State v. Nowicki

**Supreme Court of Missouri, en banc - January 30, 2024 - S.W.3d - 2024 WL 341017**

Following plea of guilty to failure to drive on right half of roadway and operating a motor vehicle without maintaining financial responsibility, defendant was convicted in the Circuit Court of driving while intoxicated for which he was sentenced as a chronic offender. Defendant appealed.

On transfer from Court of Appeals, the Supreme Court held that:

- Plain error review did not apply;
- Statute rendering Missouri uniform law enforcement system (MULES) records admissible evidence to show a defendant's status as a chronic offender did not create a rebuttable presumption that any conviction listed in such record qualified as intoxication-related traffic offense (IRTO);
- Proof of defendant's prior convictions for driving while intoxicated with nothing more were insufficient to prove that defendant's conduct underlying the convictions involved him actually physically driving a vehicle while intoxicated;
- Records showing that defendant was previously arrested for a "local BAC offense" and convicted of the charged offense did not establish that the conviction was for driving while intoxicated;
- Records showing defendant was convicted of stop sign violation on same day he was convicted of "local BAC offense" did not permit inference that defendant was actually physically driving while intoxicated;
- Records showing that defendant was previously arrested for "Dwi-Alcohol" and pled guilty to "excessive blood alcohol" did not establish the prior conviction was for actually physically driving a vehicle; and
- Records showing that defendant was previously arrested for "Dwi-Alcohol" and was convicted of "stop sign violation" on same day he pled guilty to "excessive blood alcohol" did not establish the "excessive blood alcohol" conviction was for actually physically driving a vehicle.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com