



**In the Missouri Court of Appeals  
Eastern District**

**DIVISION TWO**

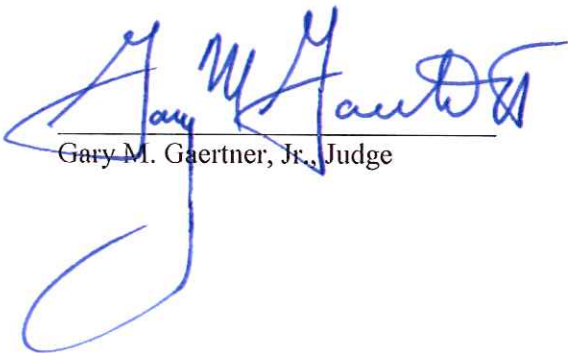
JOHN LESTER GEGG,	)	ED102329
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Charles County
v.	)	Cause No. 1311-AC02885
	)	
DIRECTOR OF REVENUE.	)	Honorable Matthew E.P. Thornhill
STATE OF MISSOURI,	)	
	)	
Appellant.	)	Filed: September 15, 2015

The Missouri Director of Revenue (Director) appeals the judgment of the trial court reinstating the driving privileges of John Lester Gegg (Gegg). Because there is no transcript of the proceeding below, we reverse and remand.

The Director notified Gegg on March 25, 2013, that it was suspending Gegg's driving privileges for 90 days, beginning on April 25, 2013. The notice stated this was due to an accumulation of traffic violations; specifically, an out-of-state conviction for driving while intoxicated and a conviction for speeding. Gegg filed a petition for review in the trial court, arguing that he was never convicted of driving while intoxicated. The trial court held a hearing and entered judgment in favor of Gegg, finding that the Director

failed to meet its burden to provide competent and credible evidence of Gegg's conviction. The Director appeals.

Taken with this case is a motion to remand to the trial court for rehearing, due to the lack of a transcript on appeal. The Director informs us that it requested a transcript from the trial court, but none is available. This Court is therefore deprived of the ability to conduct meaningful review. The record does not indicate whether the transcript includes additional evidence received in the trial court beyond that contained in the legal file; however, through no fault of its own, the Director was not able to provide the transcript. See, e.g., Koehr v. Director of Revenue, 813 S.W.2d 363, 364 (Mo. App. E.D. 1991) (comparing Vogel v. Director of Revenue, 804 S.W.2d 432 (Mo. App. S.D. 1991)). Thus, we grant the motion for remand so that a proper record may be produced.



Gary M. Gaertner, Jr., Judge

Philip M. Hess, P.J., concurs.  
Angela T. Quigless, J., concurs.