

MISSOURI COURT OF APPEALS EASTERN DISTRICT
EASTERN DISTRICT

ARDELL FIELDS,)	No. ED100321
)	
Appellant,)	
)	Appeal from the Circuit Court
vs.)	of the City of St. Louis
)	
STATE OF MISSOURI,)	Honorable Steven R. Ohmer
)	
Respondent.)	FILED: March 25, 2014

Ardell Fields (Movant) appeals from the judgment of the circuit court denying, without an evidentiary hearing, his post-conviction motion for DNA testing pursuant to §547.035..

REVERSED AND REMANDED.

DIVISION ONE HOLDS: In determining whether DNA testing was reasonably available to a movant at the time of trial, Missouri Supreme Court precedent requires a subjective inquiry into the particular circumstances of that individual movant's case at the time of his trial. The record here does not conclusively refute Movant's claim that DNA testing was not reasonably available to him. Movant is entitled to an evidentiary hearing to establish such circumstances. The case is remanded for a hearing on the motion.

Opinion by: Clifford H. Ahrens, J. Roy L. Richter, P.J., and Glenn A. Norton, J., concur.

Attorney for Appellant: Roxana A. Mason

Attorney for Respondent: Chris Koster

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.