

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

STATE OF MISSOURI,)	ED103288
)	
Respondent,)	Appeal from the Circuit Court of
)	the City of St. Louis
v.)	22951-02354-01
)	
ARDELL FIELDS,)	Honorable Steven R. Ohmer
)	
Appellant.)	Filed: July 19, 2016

Ardell Fields ("Movant") is incarcerated for a rape he claims he did not commit. In his quest to be exonerated, Movant pursues post-conviction DNA testing, pursuant to Section 547.035. Movant appeals from the motion court's judgment, after an evidentiary hearing, denying his post-conviction motion for DNA testing.

AFFIRMED.

Division Four Holds: The trial court did not err in adjudging Movant failed to satisfy element (3) of Section 547.035.2. At the time of Movant's trial, DNA testing technology was reasonably available to Movant and his Trial Counsel, and the decision to forgo DNA testing was a matter of trial strategy.

Opinion by: Lisa P. Page, J.

Sherri B. Sullivan, P.J. and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Scott Thompson

Attorney for Respondent: Daniel N. McPherson

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.