

SUPREME COURT OF MISSOURI

State v. Ruff

256 S.W.3d 55 (Mo. banc 2008) · No. SC 88936 · Decided June 24, 2008

SUMMARY

The Supreme Court of Missouri held that Huntley Ruff’s motion for post-conviction DNA testing adequately alleged that identity was at issue and satisfied the pleading requirements of Missouri Revised Statutes section 547.035. The court reversed the denial of the motion without a hearing and remanded for appropriate DNA testing and relief.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	William Ray Price, Jr.
JURISDICTION	Missouri
DECIDED	June 24, 2008
DOCKET	SC 88936
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the denial, without a hearing, of a post-conviction motion for DNA testing under section 547.035, RSMo.
STANDARD OF REVIEW	Denial of a post-conviction motion for DNA testing is reviewed for clear error. Findings and conclusions are clearly erroneous when, after review of the record, the appellate court is left with a definite and firm impression that a mistake has been made.
PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Missouri; precedential.
PARTIES	Huntley Ruff v. State of Missouri

TOPICS

- post-conviction relief
- actual innocence
- evidence
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- Missouri post-conviction DNA testing
- criminal procedure
- actual innocence
- evidence

QUESTIONS PRESENTED

1. Whether Ruff's motion adequately alleged that identity was an issue in the trial under section 547.035.2(4), even though his trial counsel stated that the case was not one of mistaken identity.
2. Whether Ruff's motion satisfied the pleading requirements for DNA testing under section 547.035 when it identified potentially testable evidence and alleged a reasonable probability of a different result.
3. Whether the motion court clearly erred by overruling the DNA-testing motion without a hearing.

HOLDINGS

1. The statutory requirement that identity be at issue is broader than a claim of mistaken identity. Identity is at issue when a defendant claims he did not commit the charged acts, even if he does not specifically assert that another person committed the crime.
2. Ruff's motion adequately alleged the statutory prerequisites for DNA testing, and any potential pleading deficiencies were negated by the State's admission that vaginal swabs had been collected and likely contained semen from the rapist.
3. The motion court clearly erred by overruling Ruff's motion without a hearing; the case must be reversed and remanded for appropriate DNA testing and relief under section 547.035.7.

KEY QUOTATIONS

"The statute requires that "identity be at issue" in the trial, a broader concept than "mistaken identity." (57)

"The phrase "identity at issue" encompasses "mistaken identity," but it also includes all cases in which the defendant claims that he did not commit the acts alleged-as opposed to cases where the defendant admits his actions but puts forth an affirmative defense." (57)

"These inmates are unlikely to have access to specific facts without the assistance of counsel." (58)

FACTUAL BACKGROUND

Ruff was convicted of forcible rape, sodomy, armed criminal action, and first-degree robbery arising from crimes in a hotel room, and the victim identified him as the assailant. Ruff consistently claimed innocence and alleged that the victim falsely identified him to support a civil action against the hotel. He sought DNA testing of possible biological and other evidence, including semen, blood, hair, and saliva, asserting that testing was unavailable at the time of his trial. The State acknowledged on appeal that vaginal swabs had been collected and that the semen in the swabs was probably from the rapist.

PROCEDURAL HISTORY

Ruff, who was serving a 160-year sentence for forcible rape, sodomy, armed criminal action, and first-degree robbery, filed a pro se motion seeking DNA testing. The motion court overruled the motion under section 547.035.2(4), concluding that Ruff had not alleged facts showing identity was an issue at trial. The Supreme Court of Missouri reversed and remanded with directions to order appropriate testing and relief.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the motion court's judgment and remand with directions to order appropriate DNA testing and relief in accordance with section 547.035.7.

CASES CITED

- Weeks v. State, 140 S.W.3d 39, 44 (Mo. banc 2004)
- Weeks v. State, 140 S.W.3d 39, 47 n. 8 (Mo. banc 2004)
- Anderson v. State, 831 A.2d 858, 865 (Del. 2003)
- State v. Donovan, 853 A.2d 772, 776 (Me. 2004)
- People v. Urioste, 316 Ill. App. 3d 307, 249 Ill. Dec. 512, 736 N.E.2d 706, 714 (2000)
- Richardson v. Richardson, 218 S.W.3d 426, 428 (Mo. banc 2007)

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