

A review of Missouri appellate case law reveals that field tests are extremely important/helpful/useful for the following reasons to securing a conviction:

**1) They support a search warrant to reveal more drugs (i.e., additional/greater charges).**

Pursuant to the 4th Amendment, no warrant may issue, “except upon probable cause, supported by oath or affirmation...” Field test results, when positive, help form that probable cause. Generally speaking, a warrant will be issued for the residence or other places possessed or controlled by a perpetrator when the application includes testimony of an officer who has performed a field test on drugs lawfully seized. There are numerous cases in which the facts go basically like this: perpetrator is found in the possession of drugs; circumstances indicate sales are likely; a field test is performed and is positive; a search warrant is then issued for the perpetrator’s home, where additional drugs are located. *See, e.g., State v. Parrish, 852 S.W.2d 426 (Mo.App., W.D. 1993), State v. Ricketts, 981 S. W. 2d 657 (Mo. App. W. D. 1998), and State v. Kruse, 306 S.W.3d 603, 609 (Mo. App. W.D. 2010).*

**2) They support convictions that are obtained through plea bargains, when the defendant brings a post-conviction remedy appeal, and claims an insufficiency of evidence underlying his conviction.**

Quite often, when Defendants receive their sentences, and learn they are greater than anticipated or just tire of sitting in jail, they use their time to attack the case. Because chemical analyst testimony is rarely offered during plea and sentencing proceedings, it is often that the field test is the only documentation that the subject substance is in fact an illegal drug. The appellate court can use that field test to support the trial judge’s ruling and sentence. *See, Evans v. State, 350 S.W.3d 29 (Mo. App. W.D. 2011).*

**3) In supporting a jury conviction in the event chain of custody issues are later raised successfully on appeal.**

Frequently, defendants raise objections to the chain of custody of the drugs prior to the time they reach the chemical analyst. These objections are typically overruled, but this leaves an issue that is sometimes exploited on appeal. In some cases, the appellate court will rely on the testimony about the results of the field test to support and affirm the decision in the trial court. *See, State v. Vik, 766 S.W.2d 641 (Mo.App. S.D.1989).*

**4) In supporting a jury conviction on appeal in the event the prosecution fails to have the chemical analyst testify.**

As of this writing, no Missouri cases have been found on this point. However, this issue came up in the case styled Commonwealth vs. Adolpo Marte, Slip Opinion No. 09-P-776 (August, 2013), out of the Massachusetts Appellate Court. A detailed discussion of this case is available from DTect.

**5) In supporting a jury conviction on appeal in the event the testimony of the chemical analyst is found to be inadmissible.**

Chemical analyst testimony could be ruled inadmissible due to chain of custody problems, as mentioned above, as well as for other foundation-related defects. As of this writing, no Missouri case has been found on such other defects, but I believe it is fairly likely that additional research will turn up one or more of them.