

The Midwest Innocence Project filed their first brief today with the Missouri Court of Appeals, Eastern District in the case of Rodney Lee Lincoln. Rodney's attorneys at Midwest Innocence Project have been litigating this case since 2005 following a review of the case by the Circuit Attorney's office in 2003 and 2004 which resulted in no action being taken. In 2010 they submitted a motion for release based on exculpatory DNA evidence.

In the brief filed today, the attorneys attack the state's current arguments that the hairs that were tested did not play a central role in their case back in 1983 and that there is no evidence that the hair found at the scene came from the attacker. The brief points out that a full third of the state's witnesses testified about either the hair secured from the scene, the hair sample secured from the defendant, or matching the two hairs. The brief also illustrates the multiple times that the state, at critical points, insisted to the jury that the hair found at the scene "matched" the hair taken from the defendant. DNA evidence has now excluded Rodney Lincoln as the source of that hair.

DNA testing was also conducted on a hair found on the perineum of a 4-year-old victim. This particular hair was not an issue at trial because the state was of the opinion that it came from one of the victims. DNA testing has now excluded all three victims and the defendant as a possible source of this hair. The state still maintains that this hair is not important to the case because it was not presented at trial. The Midwest Innocence project argues that it is most definitely important as it illustrates that someone besides the victims and the defendant was present at the scene of the attack. The only other evidence presented against Rodney Lincoln was eyewitness identification by a traumatized 7-year-old child victim. The identification process was fraught with inconsistencies and procedural errors.

These issues were litigated at an evidentiary hearing held on September 12th of last year before Circuit Judge Robin Vannoy. After considering the evidence for several months, she delivered a decision on Christmas Eve, 2013 siding with the state and denying the motion for release. The Midwest Innocence Project is now asking the Missouri Court of Appeals to overturn that decision.