

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS, MISSOURI
22ND JUDICIAL CIRCUIT**

RODNEY LINCOLN)
Petitioner)
)
)
vs.)
)
STATE OF MISSOURI)
Respondent.)
)

**Case No. 22821-2021
Division 15**

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MOTION FOR RELEASE

1) COMES NOW, Rodney Lincoln, by and through undersigned counsel and submits the following Motion for Release based upon exonerating DNA results. This Motion is filed pursuant to R.S. Mo. § 547.037. The following Brief in Support of Motion for Release provides the specific grounds supporting Petitioner's actual innocence of his conviction for manslaughter and two counts of first degree assault.

2) Mr. Lincoln was tried twice. The first trial resulted in a hung jury. In the second trial, he was convicted of manslaughter and two counts of first degree assault in St. Louis County, Missouri. He was sentenced to fifteen years and two life sentences. Currently, he has served twenty-six years in prison.

3) The State's case rested on two key pieces of evidence: a hair collected, from a blanket found in the children's room, attributed to Mr. Lincoln through hair comparison analysis and the eyewitness identification of seven-year old [REDACTED]. The State's theory during both trials was that a sole perpetrator murdered Joanne Tate and assaulted her two daughters.

4) Through a stipulation agreed upon by both parties, DNA testing occurred

testing various pieces of evidence including the rape kits, fingernail scrapings, and several hairs collected from the victims during the SAFE exam, and the State's key piece of evidence, the hair found on the blanket.

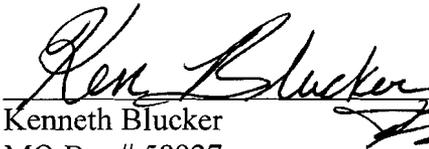
5) The results of the DNA testing show not only that the hair attributed to Mr. Lincoln does not match his DNA profile, but instead shows an unknown third party's DNA profile. Further, hair collected from victim, [REDACTED] reveals an additional unknown third party DNA profile that does not match Mr. Lincoln or any of the victims.

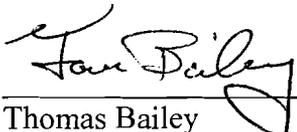
6) This exculpatory DNA evidence conclusively shows that the only physical evidence that placed Mr. Lincoln at the scene was completely false. Therefore, Mr. Lincoln's entire conviction rests on the dubious identification of seven-year old [REDACTED] [REDACTED] who suffered severe physical trauma, multiple surgeries, and subsequent heavy medication while trying to assist the police in their investigation.

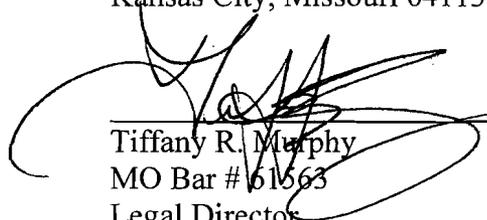
7) At all points up to her identification of Mr. Lincoln, a month after the offense, she said the name of the attacker was "Bill." Only after shown two photos, one of her cousin and the other of Mr. Lincoln, did she identify Mr. Lincoln. Her identification process not only contained numerous inconsistencies but violated known protocols for handling eyewitness identification evidence.

8) Based upon the lack of any physical evidence and the flawed identification, Mr. Lincoln is actually innocent of the conviction he was convicted of twenty-six years ago. Had a jury been informed of these exculpatory DNA results, there is a reasonable probability of a different result.

9) Mr. Lincoln requests that this Court grant his motion for release.


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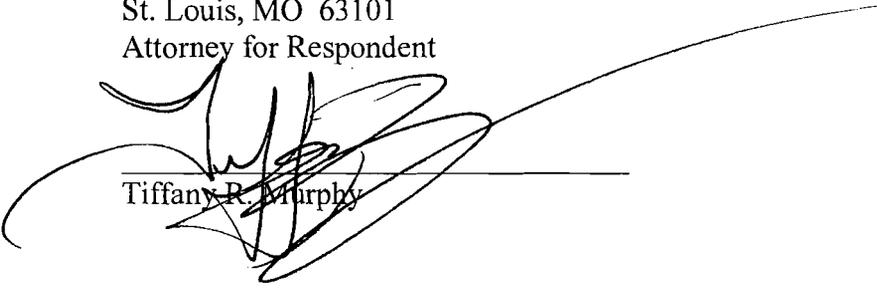

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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was delivered by U.S. Mail this 9th day of
November, 2010, to:

Ed J. Postawko
Assistant Circuit Attorney
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