

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

RODNEY LINCOLN)	
Petitioner,)	
)	
vs.)	Case No. 821-2021
)	Division 3
STATE OF MISSOURI)	
Respondent.)	

STIPULATION TO POST-CONVICTION DNA TESTING

Pursuant to R.S.Mo. § 547.035(2), it is agreed between the parties that several samples of physical evidence within the State's possession will be submitted for DNA testing to the Kansas City Police Crime Laboratory at the following address:

Kansas City Police Crime Laboratory
6633 Troost Ave, Kansas City, MO 64131

1. The following samples will be tested by the Kansas City Police Crime Laboratory:
- a. Item #29: Piece of aluminum doorframe with bloody fingerprint.
 - b. Item #2: Bloody steak knife with bloody fingerprint.
 - c. Q11: Butcher knife with 4-12" handle and a blade 7" long and up to 1-3/8" wide.
 - d. Item #13/Q9: Japanese knife with 3-3/4" handle and 4-1/2" blade with three spots of blood.
 - e. Q7/Court Exhibit 14: Broom (lower portion that was not inserted into Joann Tate).
 - f. Item #26/Q 1: Swab of red stain from front edge of sink.
 - g. Item #25/Q5: Tissue paper found near the door where the killer left.

2. The State has previously delivered the evidence to Bode by FedEx for DNA testing at the following address:

Evidence Management Section
Bode Technology
10430 Furnace Rd., Suite 107
Lorton, VA 22079

3. The Bode Technology Group ("Bode") (Evidence Management Section Bode Technology 10430 Furnace Rd., Suite 107 Lorton, VA 22079) will transport the evidence in their possession to the Kansas City Police Crime Laboratory at the address above.

4. All evidence shall be shipped in a sealed box and sent via Federal Express Account delivery to Kansas City Police Crime Laboratory. The cost of shipping shall be paid for by the Midwest Innocence Project, billing to the following third-party Federal Express account number: Stinson Morrison Hecker Account Number 0640-0225-2 with reference number 998701-0001. On the date of shipment, Bode shall promptly fax a legible copy of the Federal Express Airbill to the Midwest Innocence Project using the following: Attention Laura O'Sullivan at 816-412-1107. Bode shall ensure that the evidence is properly packaged for shipping so that it is not damaged during transit, and that appropriate chain of custody procedures are followed.

5. Upon receipt of the evidence, the Kansas City Police Crime Laboratory shall document the condition of the packaging and inventory the evidence for chain of custody purposes. Kansas City Police Crime Laboratory shall then proceed to conduct

appropriate DNA analysis of the evidentiary items in consultation with counsel for Rodney Lincoln.

6. DNA analysis shall proceed “blindly,” that is, in two stages. In the first stage, Kansas City Police Crime Laboratory shall assess the evidence to determine the presence of any biological material conducive to DNA testing, and shall then conduct DNA analysis as appropriate. Kansas City Police Crime Laboratory shall make every effort to not consume more than half of the DNA extracted from any genetic sample or stain on an evidentiary item. If Kansas City Police Crime Laboratory is able to obtain one or more full or partial foreign male genetic profiles from the biological evidence, testing shall proceed to the second stage.

7. In the second stage of testing, the Court hereby orders the Medical Department at the Missouri Department of Corrections facility in which Rodney Lincoln is incarcerated (“Medical Department”) to collect new reference samples (buccal swabs) from Rodney Lincoln. The Medical Department shall send the collected swabs, via Federal Express overnight delivery, to Kansas City Police Crime Laboratory at the above listed address. The buccal swabs shall be shipped in a sealed box and sent via Federal Express Account delivery to Kansas City Police Crime Laboratory. The cost of shipping shall be paid for by the Midwest Innocence Project, billing to the following third-party Federal Express account number: Stinson Morrison Account Number 0640-0225-2 with reference number 998701-0001. On the date of shipment, the Medical Department shall promptly fax a legible copy of the Federal Express Airbill to the Midwest Innocence Project using the following: Attention Laura O’Sullivan at 816-412-1107.

8. In the second stage of testing, the St. Louis Metropolitan lab may submit Item K-1 (specimen of blood taken from Joann Tate during autopsy) and/or any other buccal swab or item(s) of evidence agreed to by the parties in the same manner as described above if necessary to establish that the profile is foreign to the victim(s).

9. The Medical Department shall ensure that the buccal swabs are properly packaged for shipping so that they are not damaged during transit, and that appropriate chain of custody procedures are followed. Defendant's counsel will be the liaison between the Medical Department and Bode Technology, and is ordered to make arrangements between the two facilities as needed.

10. Upon receipt of the buccal swabs, Kansas City Police Crime Laboratory shall document the condition of the packaging and inventory the evidence for chain of custody purposes. Kansas City Police Crime Laboratory shall then proceed to conduct the appropriate DNA analysis of Rodney Lincoln's reference sample and compare the results to the profile(s) found on the evidentiary items. Upon completion of the testing of Rodney Lincoln's reference sample, Kansas City Police Crime Laboratory shall publish its results in a report that shall be simultaneously provided via United States Postal Service to the following parties:

<p>LAURA O'SULLIVAN MoBar # 41318 Midwest Innocence Project 6320 Brookside Plaza, #1500 Kansas City, MO 64113 (816) 221-2166 Telephone (816) 412-1107 Fax ATTORNEYS FOR MOVANT</p>	<p>EDMUND J. POSTAWKO MoBar # 32759 Assistant Circuit Attorney 1114 Market Street, Room 401 St. Louis, MO 63101 (314) 622-4941 ATTORNEY FOR RESPONDENT</p>
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11. If Kansas City Police Crime Laboratory is able to obtain one or more sufficiently complete DNA profiles foreign to the victims from the evidence and Mr. Lincoln is excluded as the source of the profile(s), the State shall compare the profile(s) to convicted-offender profiles in the state and federal DNA databanks and disclose the results to the Defendant.

12. Any unused portion of extracted DNA, amplified DNA, and any unused portion of the evidentiary substrate material, as well as any and all biological standards, shall be promptly returned to the St. Louis Metropolitan Crime Lab, in a sealed and scientifically acceptable manner upon completion of testing by Kansas City Police Crime Laboratory.

13. Counsel for the petitioner and the respondent agree that this stipulation is for purposes of subjecting the herein described items to DNA testing procedures. The parties are not stipulating to any conclusions of the meaning of the results from DNA testing.

14. Upon receiving the results of the DNA testing, the findings will be litigated by parties, pursuant to R.S.Mo. § 547.037.

SO ORDERED:

Dated this ____ day of December, 2012

HONORABLE ROBIN R. VANNOY
Circuit Judge of Division 3

Agreed to by the parties on this ____ day of December, 2012.



LAURA O'SULLIVAN
MoBar # 41318
Midwest Innocence Project
6320 Brookside Plaza, #1500
Kansas City, MO 64113
(816) 221-2166 Telephone
(816) 412-1107 Fax
ATTORNEYS FOR MOVANT



EDMUND J. POSTAWKO
MoBar # 32759
Assistant Circuit Attorney
1114 Market Street, Room 401
St. Louis, MO 63101
(314) 622-4941
ATTORNEY FOR
RESPONDENT