

ORIGINAL

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

STATE OF MISSOURI,)	
)	
Plaintiff,)	
)	
vs,)	Cause No. 821-2021
)	
RODNEY LINCOLN,)	Division No. 16
)	
Defendant,)	

Deposition of Witness
JOHN A. SALAMONE
on Behalf of the Defendant.

June 20, 1983

FILED
JUL -7 1983

(W)
FREEMAN R. BOSLEY, JR.
CLERK, CIRCUIT COURT

Reported by Georganne L. Baker
Certified Shorthand Reporter
and Registered Professional Reporter
of

Baker Reporting

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1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS

2 STATE OF MISSOURI

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)
 4 Plaintiff,)
)
 5 vs.) Cause No. 821-2021
)
 6 RODNEY LINCOLN,) Division No. 16
)
 7 Defendant.)

8 DEPOSITION OF WITNESS produced, sworn and examined
 9 on the 20th day of June, 1983, between the hours of eight
 10 o'clock in the forenoon and six o'clock in the afternoon
 11 of that day, at the offices of the Circuit Attorney of
 12 the City of St. Louis, 1320 Market Street, in the City
 13 of St. Louis, State of Missouri, before Georganne L. Baker,
 14 a Registered Professional Reporter and Notary Public within
 15 and for the State of Missouri, in a certain cause now
 16 pending in the Circuit Court of the City of St. Louis,
 17 State of Missouri, wherein State of Missouri is Plaintiff
 18 and Rodney Lincoln is Defendant; taken on behalf of the
 19 Defendant.

20 A P P E A R A N C E S

21 For the Plaintiff Joseph L. Bauer, Jr.
 22 Assistant Circuit Attorney
 23 1320 Market Street
 Room 332
 St. Louis, Missouri 63101

PENGAD CO., BAYONNE, N.J. 07002 FORM 740

1 For the Defendant Robert A. Hampe
2 Lisa Parsons
3 Attorneys at Law
4 7 N. Seventh Street
5 St. Louis, Missouri 63101

6 S t i p u l a t i o n:

7 Before the taking of the within deposition, the
8 parties, by their counsel, stipulate that same is being
9 taken pursuant to notice; counsel further stipulate that
10 same may be taken by stenotypy and thereafter typed, and
11 regularly filed in the case, subject to objections as to
12 competency, relevancy, and materiality.

13 JOHN A. SALAMONE,

14 of lawful age, being produced, sworn and examined on behalf
15 of the Defendant, deposeth and saith:

16 DIRECT EXAMINATION

17 BY MR. HAMPE:

18 Q Sir, would you tell us your name and occupation,
19 please, for the record?

20 A John Salamone. Police Officer in the St. Louis
21 Metropolitan Police Department.

22 Q How long have you been so employed?

23 A I've been a police officer since February of
24 1963.

25 Q To what section or division are you assigned?

A I'm assigned to Supervisor Latent Unit of the
Records Identification Division.

Q How long have you been so assigned?

A Since October of 1966, I've been a member of

1 the Latent Unit.

2 Q During the period of time that you've been
3 assigned to the Latent Unit, can you tell us what primarily
4 consisted of your duties as it relates to print and print
5 identification?

6 A The examination of latent fingerprints which
7 have been submitted to us by members of the E.T.U. to make
8 the examination to attempt to establish the identity of
9 a latent print.

10 Prior to that, we made the crime scene examination,
11 ourselves.

12 Q Did you have an occasion pursuant to the course
13 and scope of your duties to examine latent prints related
14 to the killing of a woman named JoAnn Tate?

15 A Yes, I did.

16 Q Can you tell me how many latent prints you
17 examined in that particular case? I guess, lifts would
18 be a better terminology, latent prints.

19 A Yes, there were several here.

20 Q There were five latent lifts, one photograph,
21 and there were several prints that were developed off of
22 a magazine?

23 A There is another one, there are six latent
24 lifts.

25 Q Six altogether?

1 A Six latent impressions, yes, sir, now that was
2 lifted.

3 Q That doesn't include the magazine, I take it?

4 A That is correct. That does not.

5 Q Related to the magazine, did you examine the
6 magazine, I take it?

7 A Yes, sir.

8 Q For identifiable prints?

9 A There were -- give me a second to refer to my
10 notes here. There were several. I don't have it spelled
11 out here, I'll have to refer to that again. There were
12 several that were not identified; there was quite a few
13 of no value.

14 Q Were there any, I want to use the right terminolo-
15 gy, were there any prints or lifts taken from the magazine?

16 A There is prints that were not lifted from it.
17 It was chemically examined with a chemical called Ninhydrin
18 where the prints were developed on the magazine, and then
19 photographed and preserved in that manner.

20 Q Did you examine those in attempt to identify
21 them?

22 A Yes, sir, I did.

23 Q Did you?

24 A No. Of the Defendant?

25 Q Of anybody on that magazine?

1 A Yes. On Page No. 4, center top, was the
2 impression of Gerald Woodward; Page No. 5, bottom was the
3 right thumb of Gerald Woodward; and Page 5, center edge,
4 was also the No. 1 finger, the right thumb of Gerald
5 Woodward.

6 Q Were there any prints of sufficient quality
7 or sufficient points of identification on that magazine
8 which had not yet been identified as to the make?

9 A Yes, sir.

10 Q How many are those?

11 A One, on Page 29.

12 Q Are there any other other than the one on
13 Page 29?

14 A That's all which I have in my records.

15 Q You had access somewhere along the line, I
16 take it, to the inked prints of Rodney Lincoln?

17 A Yes, sir.

18 Q Did the print on Page 29 of the magazine compare
19 favorably? In other words, did you make an identification
20 of that print as Rodney Lincoln's?

21 A No, sir, it was not his print.

22 Q Incidentally, by fingerprint, can we tell
23 race, age, sex, or anything?

24 A No, sir.

25 Q The print that you have a photograph of, is

1 that a print on a knife?

2 A There is a photograph of a patent impression
3 on a knife blade.

4 Q That's the print that you referred to as one
5 photograph of a print?

6 A No. There is another one, also. I take it
7 back. Referring to my notes here, let's see, there was
8 one Polaroid photograph of a part of a window frame and
9 was non-sufficient for identification.

10 Q Then, in addition to the magazine and the
11 photograph on the window frame, we have five latent
12 impressions which are actually lifts?

13 A Yes, sir, that is correct.

14 Q In addition to the five lifts, the one photo-
15 graph, and the impressions on the magazine, is that all
16 of what we are talking about in this case?

17 A I have, let me see if I got you correct, there
18 is five lifts, there is prints on the magazine, there is
19 a Polaroid photograph of the window frame, and then there
20 is the blade of the knife that was submitted, patent
21 impression.

22 Q John, I'm just trying to make sure that we
23 have everything lined up that we should be talking about.

24 A Yes, sir.

25 Q So, we have the five lifts, we have the photo-

1 graph on the window frame, we have the impressions in the
2 magazine, and we have the patent impressions on the knife
3 blade?

4 A That is correct, sir.

5 Q As far as your examination and studies in this
6 case is concerned, that's it, right?

7 A That is correct.

8 Q Do you know the locations from which the five
9 lifts were taken?

10 A Yes, sir.

11 Q Can you tell us on the record where they are?

12 A Okay.

13 Q Where they were taken from?

14 A Okay. From side of plastic glass with Superman
15 picture, which was on the kitchen table. That is marked
16 Lift A.

17 Q Okay.

18 A You want me to give my determination of the
19 print at this time?

20 Q Why don't we just list them so I can see what
21 we are talking about?

22 A Lift B, glass surface of interior view mirror
23 of blue Mercury Comet.

24 Q Okay.

25 A C, same as above; in other words, glass surface,

1 interior view mirror, blue Mercury Comet.

2 Q Okay.

3 A D, inside surface of glass on vent window of
4 driver's door on blue Mercury Comet, two-door.

5 Q Okay.

6 A E is the same as D above, which would mean
7 inside surface of glass on vent window of driver's door,
8 blue Mercury Comet, two-door.

9 Q Using your reference symbols A, B, C, D, and
10 E, did you examine each and every one of these lifts?

11 A Yes, sir.

12 Q Did you identify any or all of them?

13 A Yes, sir.

14 Q Can you tell us down the line, A through E,
15 whose prints they were according to your determination?

16 A Lift A is of no value; Lift B, no identification;
17 Lift C was to the right thumb of the victim; Lift D, no
18 identification; Lift E, was to left index, left middle
19 and left ring finger of victim.

20 Q We consider, is it safe to consider the identi-
21 fication and examination of fingerprints the main course
22 and scope of your duties with the Department?

23 A That is correct, sir.

24 Q Can you tell us what training you have had --

25 A Yes, sir.

1 Q -- to do that?

2 A I was originally trained by J. Buford McGhann.
3 He was one of the originators of Identification Division
4 in St. Louis. I received subsequent training by the
5 Federal Bureau of Investigation in fingerprint classification
6 and in latent fingerprints; and I've also received additional
7 training by the Federal Bureau of Investigation at the FBI
8 Academy at Quantico, Virginia.

9 Q When you were attached or detached to the FBI
10 for training, were you ever instructed by a man names
11 Bonebrake?

12 A Yes -- no, sir, I was not. I am familiar with
13 the name, but I was not instructed by him.

14 Q Was he at the FBI Academy at any period of
15 time when you were there?

16 A I do not recall. I do not recall.

17 Q Would you recognize him as an expert in your
18 field?

19 A Yes.

20 Q Now, can you tell us whether you belong to any
21 professional societies or organizations related to the
22 identification of fingerprints?

23 A I do not.

24 Q I was speaking specifically about the Inter-
25 national Association for Identification of Prints, or the

1 Missouri Division of IAI?

2 A I do not belong to that association.

3 Q Neither one? Do your records indicate the
4 date when you first came in contact with the latent, the
5 patent impressions on the knife blade?

6 A Somewhere in May, the latter part of May of
7 1982, or first part of, probably about the 28th or 29th
8 of May.

9 Q Upon examining the knife blade, what is the
10 next thing you did relative to the identification of those
11 prints or that print?

12 A It was photographed.

13 Q Has the original been preserved, the knife,
14 itself, been preserved?

15 A Yes, sir, it has.

16 Q And the print on it has been preserved?

17 A That is correct, sir.

18 Q After photographing the print, what did you
19 then do?

20 A That is the extent of it, basically. I don't
21 know exactly what you mean, Counselor.

22 Q Well, I'm looking, I'm trying to determine
23 whether the identification that subsequently was made that
24 that was some portion of a fingerprint of Rodney Lincoln,
25 did you make that determination then or later?

1 A It was made sometime later.

2 Q Do you know when, sir?

3 A I would say, not exactly, off the top of my
4 head, I would say about a week later, somewhere thereabouts.

5 Q To assist you in the comparison of this print,
6 did you have available the inked fingerprints of Rodney
7 Lincoln?

8 A Yes, sir, I did.

9 Q From this arrest or a prior one?

10 A It was from this arrest.

11 Q Do you know whether he was printed at the
12 time he was arrested when he was booked?

13 A Yes, he was.

14 Q Was he fingerprinted at a later time?

15 A Yes, he was.

16 Q Was that at your request?

17 A Yes, sir, he was.

18 Q Was he fingerprinted the second time, as far
19 as we're concerned with our conversation the second time,
20 were a complete set of prints taken, or just the right
21 index finger?

22 A It was complete set taken, as well as palm
23 prints and second and third digits, frictionary.

24 Q What was the purpose for the second printing?

25 A Comparison.

1 Q Of what to what?

2 A The left index finger, second digit, to the
3 patent impression.

4 Q Was the area of the index finger, second digit,
5 printed at the time that he was arrested as part of his
6 booking?

7 A No, it was not.

8 Q Do you have any independent recollection when
9 he was booked a second time, or do your records indicate?

10 A He was not booked the second time.

11 Q I'm sorry. Printed the second time.

12 A I would have a record, I would have a copy
13 of the Court Order, I would assume, and the date would be
14 on here.

15 Q Who did the printing?

16 A I did. Do you need the date?

17 Q Yes, if you don't mind.

18 A He was fingerprinted by me on May the 25th,
19 1982; then, he was also fingerprinted by an Officer Paul
20 Weber on June the 22nd, 1982.

21 Q As far as you know, the 5-82 printing was the
22 printing at the time of his arrest or near the time of
23 his arrest as part of his booking?

24 A That was under a Court Order, I believe.

25 Maybe, it was at the time of his booking, I don't know.

1 Q The 6-22-82 printing, was that the printing at
2 your request?

3 A Probably, yes, sir.

4 Q Is there any reason why you didn't do the
5 later one, the later printing?

6 A I don't know. I could have been off that
7 particular day. I don't really know. Maybe at the time
8 I was done gone, or I could have been sick or in Court
9 or something.

10 Q After Mr. Lincoln was arrested and printed
11 pursuant to his booking and then printed again at your
12 request, has he been printed a third time, if you know?

13 A Not to my knowledge.

14 Q I'm sure it is no secret and would come as no
15 surprise to you to know that after your identification of
16 that portion of the print being Rodney Lincoln's, that
17 the print was sent up to Bonebrake for --

18 A For his examination and evaluation.

19 Q Thank you.

20 A Now, maybe off the record, maybe I could save
21 you some time?

22 (Whereupon a brief off-the-record discussion took place.)

23 MR. BAUER: I will stipulate that during our
24 conversation off the record, Officer Salamone indicated
25 that as things now stand, he is unwilling and will not

1 testify that the fingerprint on the knife in blood is that
2 of the Defendant, Rodney Lincoln.

3 However, that could be subject to change.

4 MR. HAMPE: So that what you are really saying
5 is, that as long as Bonebrake doesn't say it's Lincoln,
6 John Salamone won't either?

7 MR. BAUER: That's my understanding, yes.

8 MR. HAMPE: As far as I'm concerned, we are
9 terminated with this witness.

10 (WITNESS EXCUSED)

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S t i p u l a t i o n :

It is stipulated and agreed by all parties hereto, through their respective counsel, and by the witness in his own behalf, that submission of this deposition to the witness for examination and reading, and that the signing of the deposition by the witness, all as provided in Rule 57.03, Missouri Rules of Civil Procedure, are hereby expressly waived, and that the deposition may be filed with the court and be used as fully as though signed; provided, however, that without limitation as to the scope and effect of the waiver herein made, at any time before use of the deposition at trial, the witness may, by appearing before the officer having taken said deposition, as authorized under Rule 57.03 to take depositions in this state, make any changes in same he desires, in the manner, and with the effect as set out in Rule 57.03 (f); and that prompt notice be given to all parties of any changes so made.

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PENGAD CO., BATONNE, N.J. 07002

NOTARIAL CERTIFICATE

1
2 STATE OF MISSOURI)
) SS.
3 COUNTY OF ST. LOUIS)

4 I, GEORGANNE L. BAKER, a Certified Shorthand Reporter
5 and Registered Professional Reporter and Notary Public,
6 in and for the State of Missouri, do hereby certify that
7 pursuant to notice and pursuant to the foregoing stipulation
8 at the offices of the Circuit Attorney of the City of St.
9 Louis, 1320 Market Street, in the City of St. Louis, State
10 of Missouri,

11 JOHN A. SALAMONE

12 came before me, was by me duly sworn to testify the whole
13 truth of his knowledge of the matters in controversy afore-
14 said, was examined and his examination then written in
15 stenotypy by me and afterwards typed, under my supervision,
16 signature of the witness being expressly waived by consent
17 of counsel and the witness, as hereinbefore set out, on
18 the day and in that behalf aforesaid, and said deposition is
19 herewith returned.

20 I further certify that I am not counsel, attorney,
21 or relative of either party, or clerk or stenographer of
22 either party, or of the attorney of either party, or other-
23 wise interested in the event of this suit.

24 GIVEN under my hand and notarial seal at my office
25 in the County of St. Louis, State of Missouri, on this
26 28 day of June, 1983.

 My Commission expires: January 23, 1985.

Taxed for Robert A. Hampe,
7 N. Seventh - \$17.50.

Georganne L. Baker
NOTARY PUBLIC in and for the
State of Missouri.

PENGAD CO., BAYONNE, N.J. 07002