

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

STATE OF MISSOURI,)
)
 Plaintiff,)
)
 vs.) Cause No. 821-02021
)
 RODNEY LINCOLN,)
)
 Defendant,)

Deposition of Witness
DONNA BECHERER BELL
on Behalf of the Defendant,

July 8, 1983

Direct Examination by Mr. Hampe Page 3
Cross Examination by Mr. Bauer Page 19
Redirect Examination by Mr. Hampe. Page 19

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

Baker Reporting

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2 STATE OF MISSOURI

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4 Plaintiff,)
5)
5 vs.) Cause No. 821-02021
6)
6 RODNEY LINCOLN,)
7)
7 Defendant.)

8 DEPOSITION OF WITNESS produced, sworn and examined
9 on the 8th day of July, 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 office of the Circuit Attorney, 1320
12 Market Street, in the City of St. Louis, State of Missouri,
13 before Georganne L. Baker, a Registered Professional Reporter
14 and Notary Public within and for the State of Missouri,
15 in a certain cause now pending in the Circuit Court of
16 the City of St. Louis, State of Missouri, wherein State
17 of Missouri is Plaintiff and Rodney Lincoln is Defendant;
18 taken on behalf of the the Defendant.

19 A P P E A R A N C E S

20 For the Plaintiff Joseph L. Bauer, Jr.
21 Assistant Circuit Attorney
22 1320 Market Street
23 St. Louis, Missouri 63101
24 For the Defendant Robert A. Hampe
25 Lisa Parsons
Attorneys at Law
7 North Seventh Street
St. Louis, Missouri 63101

1 and two children are alleged to have been victims of an
2 assault?

3 A Yes.

4 Q Did you bring any reports that you prepared
5 pursuant to your investigation of these items which bear
6 Complaint No. 55223, and Laboratory No. 204503 with you
7 today?

8 A Yes.

9 Q You've had an opportunity to review those
10 reports?

11 A Yes.

12 Q While you were waiting for me this morning,
13 right?

14 A Yes, I did.

15 Q Is there any item which you examined relative
16 to this case which is not reflected in your report?

17 A No.

18 Q Pursuant to your examination of a number of
19 these items, you performed blood typing?

20 A That's correct.

21 Q And this is part of your occupation as a
22 Criminalist, and you customarily perform these tasks of
23 typing blood?

24 A That's correct.

25 Q In this case, how many different types are we

1 dealing with?

2 A Three.

3 Q You had an occasion to examine a blood sample
4 from the Defendant Rodney Lincoln?

5 A Yes, I did. I'm sorry, including his, four.

6 Q Did the Defendant, did the blood sample from
7 the Defendant Rodney Lincoln match any of the samples from
8 the interior of the residence, or did it match the blood
9 on any of the items that you examined?

10 A Of all of the blood samples I examined, the
11 blood fell into three groups. That is, blood from the
12 scene.

13 Q Yes.

14 A Rodney Lincoln's blood was not identical to
15 any of the bloods in which all of the systems resulted in
16 that typing.

17 Q What does that mean?

18 A The only possible blood stain from the scene
19 that could have been related to Rodney Lincoln would have
20 been my Specimen No. Q-2 which could also have been from
21 one of the two children.

22 The reason I couldn't state for sure on that particular
23 sample is Glyoxalase, I did not get a type on the Glyoxalase,
24 and the Glyoxalase differentiated Rodney Lincoln's blood
25 from one of the children.

1 Q Can you say with certainty that any of the blood
2 that was found in the interior of the home as it appeared
3 on any of the samples which you were provided with is
4 Rodney Lincoln's blood?

5 A Is Rodney Lincoln as opposed to one of the three
6 victims? No.

7 Q Directing your attention to Specimen Q-5, if
8 I'm not mistaken, Q-5 is a piece of tissue paper or some
9 amount of tissue paper with red stains taken from the
10 kitchen floor?

11 A Yes.

12 Q Were you present, by the way, at the scene of
13 the crime to see where these items were picked up?

14 A No, no, I was not.

15 Q Could you tell on Specimen Q-5, could you tell
16 whether the blood on Q-5 was the blood of the homicide
17 victim, JoAnn Tate?

18 A It was not.

19 Q Could you tell whether it was the blood of
20 alleged assault victim, [REDACTED] Davis?

21 A I don't know which of the other two typings
22 belongs to [REDACTED] and which belongs to [REDACTED].

23 Q Could you tell -- let me straighten that out
24 then and make life a little easier; could you tell whether
25 the blood on Specimen Q-5 was from either of the two children?

1 A Yes, it came from one of them.

2 Q Could you tell whether the blood on that sample
3 came from Rodney Lincoln.

4 A Could I tell?

5 Q Yes. Did it?

6 A No.

7 Q Reviewing your notes and your records, can you
8 tell us which of the two children, can you tell us from
9 your notes and from your report whether the blood on Q-5
10 came from either of the two children, and if you can, which
11 one?

12 A It came from one of the children. I don't know
13 which child was in which bed. I would have to know the
14 placement of the children in the beds to determine which
15 blood came from which child.

16 Q Is there any reason why Specimens Q-6, Q-7,
17 Q-10, Q-16, Q-20, Q-30, and Q-31, were not typed?

18 A Q-6 was the clothing from under the body of
19 JoAnn Tate; so, therefore, I did not type it. She was
20 stabbed, she bled, it would be logical to assume it was her
21 blood.

22 Q-7 was the broom, broom that was removed from her;
23 so, therefore, it would be logical to assume that any blood
24 on it would have been hers. I'm sorry. What was the next
25 one after Q-7?

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Q Q-10.

A Q-10, there was not enough stain there to type.

Q Q-16?

A Q-16, I don't know offhand.

Q Q-20?

A Q-20 was clothing that came from the morgue taken from JoAnn Tate; so, again, it would be logical to assume she was stabbed, that the blood on the clothing would be hers.

Q Q-30?

A Q-30 was more of the bedclothes, and the reason I typed the bedclothing that I did was to get the typing of the children; and after having done as many items as I had, I had that, and so there was no point in doing 30, or the same reason would apply to 31.

Q What's the Defendant's blood type?

A He is EAP, type ADA-A, type 1, AK type 1.

Q Wait a minute. Start again with EAP-A. Tell me.

A ADA-A 1.

Q Let me start all over. What's the Defendant's blood type? I need to write this down as you say it.

A EAP.

Q EAP.

A Type A.

Q Type A.

1 A ADA-A.

2 Q ADA-A.

3 A Type 1.

4 Q Type 1.

5 A AK.

6 Q AK.

7 A Type 1.

8 Q Type 1.

9 A EsD.

10 Q EsD.

11 A Type 1.

12 Q Type 1.

13 A PGM, Type 1, and GLO, Type 2. The GLO is the

14 Glyoxalase I referred to earlier.

15 Q Is that a common blood type?

16 A Approximately, 10% of the population would have

17 that blood type or less. That's approximate from some

18 crude figures here.

19 So, no, it's not a common blood type particularly.

20 Q How about JoAnn Tate, can you give us any idea

21 of what percentage of the population carries blood similar

22 to hers?

23 A JoAnn Tate?

24 Q Or perhaps I should say, not dissimilar to

25 her.

1 A Less than 10%.

2 Q The two alleged assault victims, the two
3 children, they have the same blood type?

4 A No.

5 Q Did you notice through your studies of these
6 samples and this blood, did you notice any blood that did
7 not come from the three victims, other than the Defendant,
8 you haven't identified any samples that had Rodney Lincoln's
9 blood, right?

10 A Correct.

11 MR. BAUER: Well, now, she said that one of
12 them could have been yes, but she couldn't do the GLO.

13 MR. HAMPE: Well, she can't say it is.

14 MR. BAUER: Right, but she can't say it's not.

15 Q (By Mr. Hampe) Well, we just don't know, right?

16 A Right.

17 MR. BAUER: It could be, but we can't say for
18 sure that it is.

19 Q (By Mr. Hampe) Was there any blood taken from
20 the scene that did not match the blood of the homicide
21 victim, the two assault victims?

22 A No.

23 Q Would you look at Page 6 of your report where
24 it says, Summary of Seriological Results, where it says,
25 Group 1, and it says, I want you to correct me if I'm wrong,

1 but I'm going to try to read it verbatim.

2 (Reading) The blood samples from Specimens 2, 5, 11,
3 18, 25, 26A, 26B, and 20, what's that last number, now?

4 A 28B.

5 Q 28B, could all have had a common origin.

6 Are all of the blood types in Group 1 the same for
7 those specimens?

8 A The types that I was able to get off of them
9 are all compatible with having come from the same person.
10 Now, there are places in here where maybe on one specimen
11 not all of the typing came up which would be the case in
12 this Group 1 on Specimen Q-2, for instance, where the
13 Glyoxalase did not come up; but they are all compatible
14 with having had a common origin, they are all compatible
15 from having come from one person.

16 Q Let me go back and summarize to save a little
17 time. Do all the specimens that you've outlined in Group 1
18 have the same type?

19 A Insofar as the typing that came up on each
20 specimen, yes.

21 Q Do all the specimens in Group 2 have the same
22 type of blood?

23 A Again, insofar as the typings came up, yes.

24 Q But there are items in Groups 1 and 2 which we
25 don't have a blood type on?

1 A That some of the systems did not come up on,
2 but the systems that did not come up were not ones that
3 differentiated them from one person to another.

4 In other words, samples from Group 1 could not have
5 had a common origin with any of the samples from Group 2,
6 or vice versa.

7 Q So, even in spite of the fact that we didn't
8 go all the way to blood type the tests that you did on
9 each of these items show results that would not be in-
10 consistent with being with the type that you put in each
11 particular Group?

12 A Would you repeat that, please?
13 (Whereupon the question by Mr. Hampe was read back by the
14 Reporter:

15 "Q So, even in spite of the fact that we
16 didn't go all the way to blood type the tests
17 that you did on each of these items show results
18 that would not be inconsistent with being with
19 the type that you put in each particular Group?")

20 THE WITNESS: I don't think the question makes
21 sense.

22 MR. BAUER: I would object to the question as
23 being difficult if not impossible to answer.

24 MR. HAMPE: She's your expert, but I'll give
25 her a couple of weeks to think about that. But I'm going

1 to have to ask it again.

2 MR. BAUER: My objection is, I don't know
3 exactly what you are asking.

4 Q (By Mr. Hampe) Do you have any independent
5 recollection of any of these samples that you worked on?

6 A Yes.

7 Q Do you remember what they looked like?

8 A Some of them.

9 Q Specimen Q-5, the tissue paper with red stains
10 from the kitchen floor with that little bit of blood, was
11 it blood the size of a dime, the size of a head of a pin?

12 A I don't recall.

13 Q Is that specimen retained and saved for evidence?

14 A Yes.

15 Q Did you type any of these Groups, Group 1,
16 Group 2, Group 3, did you type any of these Groups to a
17 particular victim, did you type Group 1 to any person who
18 apparently lived in that home?

19 A In Group 1, there are blood samples from bed
20 sheets, some of which were very large stains consistent
21 with the body lying on top of them bleeding and producing
22 that stain.

23 In Group 2, we have the Specimen K-1 which was a
24 known blood from JoAnn Tate. In Group 3, again, I took
25 blood samples from large stains on the sheets which would

1 be consistent with a body lying there producing those
2 stains.

3 I cannot attach a name to the samples in Group 1 or
4 Group 3.

5 Q So, Group 1 is one of the kids, and Group 3
6 is the other kid?

7 A Yes.

8 Q Other than as reflected in your report, did
9 you examine any other specimen at all? Is there anything
10 related to this case that you --

11 A Plural?

12 Q Is there anything that you examined in this
13 case that is not reflected in your report?

14 A In my reports, no. There is more than one
15 report.

16 Q I have a seven-page report which shows an
17 examination date of May 3rd, 1982, and I show a one-page
18 laboratory report which shows that you are the examiner
19 for the date of a blood sample examined as 5-21-82. Are
20 those the two reports that you prepared?

21 A Yes.

22 Q Did you prepare any other reports?

23 A No.

24 Q And this is it?

25 A That's it.

1 Q These two? A Yes.

2 Q Did you do anything related, did you examine
3 any specimen related to this case that is not in these two
4 documents?

5 A No.

6 Q Did you do anything related to any of these
7 cases related to this case that is not reflected in either
8 of these two reports?

9 The reason I'm asking you that is, you have one more
10 piece of paper over there in front of you than I do.

11 A Oh, okay. I brought an extra copy of the
12 second report in case you didn't have it. There were
13 other reports on this case, but not that were mine; other
14 people in the laboratory --

15 Q I understand.

16 A -- performed other examinations and performed
17 other examinations on some of the evidence which is listed
18 in my report.

19 Q Yes. Did you examine two paint samples and
20 one camera and one case?

21 A No. I received them. I did not examine them.

22 Q Did you examine Q-32?

23 A Yes.

24 Q Your report indicates on Page 5 that a serologi-
25 cal examination disclosed the presence of blood, further

1 testing disclosed that tissue was AK Type 1, other typing
2 attempts were unsuccessful, correct?

3 A Yes.

4 Q In the Summary of Serological Reports, the
5 statement regarding the tissue from under the fingernails
6 which is Q-32, the statement made is (reading) The tissue
7 from Q-32 could have had a common origin with any of the
8 blood samples in Groups 1 or 2.

9 That would be one of the children or the victim,
10 herself?

11 A That's correct.

12 Q Right. When you examined the scrapings from
13 under the nails, do you have any independent recollection
14 of what it disclosed of significance other than the
15 seriological, what was it?

16 A It was a chunk of tissue, a small piece of
17 tissue.

18 Q Skin?

19 A Could be, yes, it could have been skin.

20 Q Was it human tissue?

21 A I didn't check for human origin because of
22 the small amount of tissue there, there was not enough
23 blood on it to check for human origin.

24 I tried typing the skin, itself, and it did give a
25 typing, but I did not do other tests specifically to see if

1 it was human, no.

2 Q Was that typing consistent in any way with the
3 information you had received relative to the Defendant,
4 Rodney Lincoln?

5 A I didn't have any information when I wrote this
6 report, I had no information about him at all, I had never
7 heard the name.

8 Q Have you since had an opportunity to compare
9 Specimen Q-2 with any information or any samples, or any-
10 thing related to Rodney Lincoln?

11 A Specimen Q-2?

12 Q Q-32.

13 A Q-32?

14 MR. BAUER: Q-32.

15 THE WITNESS: Well, Q-32 only gave my -- I'm
16 sorry -- was that an AK?

17 Q (By Mr. Hampe) Yes.

18 A AK-1, that was all it gave me. 90% of the
19 population is AK, Type 1.

20 Q Is the 10% of the population in which Rodney
21 Lincoln appears within the AK Type 1?

22 A Yes.

23 Q Could you tell whether that skin was, whether
24 that tissue came from a Caucasian person or not?

25 A I can't recall offhand. My impression was that

1 it did, but I would have to go back and look at the pictures.
2 My impression was that it came from a Caucasian at the time,
3 yes.

4 Q Could you tell from where on the body the tissue
5 came, whether it was back of the neck, or --

6 A No.

7 Q No? Is it possible to tell?

8 A No.

9 Q Was Rodney Lincoln's blood consistent in any
10 way with the samples, with the specimens with Groups 1 and
11 2?

12 A Not consistent with Group 2, because his EAP
13 type is A Group, 2 EAP type is a BA or in some of the
14 samples I have only a B band present.

15 The sample was not strong enough to give me a full
16 typing; and again, he would have no B band; so therefore,
17 he would not be consistent at all with Group 2. With Group
18 1, Q-2 has no GLO typing, and without the GLO, I cannot
19 differentiate Rodney Lincoln's blood from one of the two
20 children.

21 Q How about other specimens in Group 1, 5, 11,
22 18, and all the rest of them?

23 A He could not have had a common origin with any
24 of the rest of them.

25 Q So, that takes Rodney Lincoln's blood out of

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1 Group 1, also, right?

2 A With the only possible exception being Q-2,
3 yes.

4 Q But if all of the specimens in Group 1 came
5 from the same person, it would also take him out of Q-2?

6 A If they all came from the same person, yes.

7 Q Thank you.

8 MR. HAMPE: I have nothing further.

9 CROSS EXAMINATION

10 BY MR. BAUER:

11 Q What about Group 3 along the same lines, could
12 Rodney Lincoln's blood have been on any of those?

13 A No.

14 Q So, the only possible item that could have
15 Rodney Lincoln's blood would be Q-2?

16 A Right.

17 REDIRECT EXAMINATION

18 BY MR. HAMPE:

19 Q And the reason for that and the only reason that
20 that exception remains is that all of the factor typing in
21 that blood had not been completed?

22 A Was not available, yes.

23 MR. HAMPE: I have nothing further. Thank you.

24 MR. BAUER: I don't have anything else. While
25 you've been doing this and he's been asking questions and

1 you've been answering them, she's been taking them down on
2 this ridiculous looking machine, and by some means by which
3 she can read it, and she will type it up into common English
4 which you will have an opportunity to read; and if you want
5 to, she'll make it available for you out in Chesterfield to
6 go read it; or you can assume that because she does this
7 for her living and has for quite a while, that she'll type
8 it up correctly and you won't have to read.

9 The choice is yours.

(WITNESS EXCUSED)

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

1
2 It is stipulated and agreed by all parties hereto,
3 through their respective counsel, and by the witness in
4 her own behalf, that submission of this deposition to the
5 witness for examination and reading, and that the signing
6 of the deposition by the witness, all as provided in Rule
7 57.03, Missouri Rules of Civil Procedure, are hereby ex-
8 pressly waived, and that the deposition may be filed with
9 the court and be used as fully as though signed; provided,
10 however, that without limitation as to the scope and effect
11 of the waiver herein made, at any time before use of the
12 deposition at trial, the witness may, by appearing before
13 the officer having taken said deposition, as authorized
14 under Rule 57.03 to take depositions in this state, make
15 any changes in same she desires, in the manner, and with
16 the effect as set out in Rule 57.03 (f); and that prompt
17 notice be given to all parties of any changes so made.
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