

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
RACHEL KING
on Behalf of the Defendant.

June 20, 1983

FILED
JUL -7 1983
CS

FREEMAN R. BOSLEY, JR.
CLERK, CIRCUIT COURT

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

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vs.)	Cause No. 821-2021
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RODNEY LINCOLN,)	Division No. 16
)	
Defendant.)	

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

A P P E A R A N C E S

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

PENGAD CO., BAYONNE, N.J. 07002 100M 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 RACHEL KING,

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

16 DIRECT EXAMINATION

17 BY MR. HAMPE:

18 Q Would you state your name and address, please,
19 for the record?

20 A Rachel King.

21 Q Are you a married lady?

22 A Married, yes.

23 Q How old are you?

24 A Twenty-seven.

25 Q And your date of birth?

A February 14th, '56.

Q You were related, I take it, to JoAnn Tate?

A Yes, I was her sister.

Q What we're going to do here today, and it won't

PENSACOLA COUNTY, FLORIDA

1 take very long, we want to ask you a few questions about
2 what you know about this case.

3 A Okay.

4 Q Now, you know there is no reason to be nervous
5 because nobody in here is going to be smart with you. Okay?

6 A Okay.

7 Q After JoAnn was killed, the two kids, after
8 their release from the hospital, came to stay with you?

9 A Yes.

10 Q Now, after the kids, [REDACTED] and [REDACTED], were
11 released from the hospital they came to stay with you?

12 A Yes.

13 Q How long have they been with you, now?

14 A Ever since they've been released. They were
15 released in May, and they are still with me.

16 Q Speaking specifically of [REDACTED], she's now
17 going to school?

18 A She's out on vacation, right now.

19 Q While the school year was on, she attended a
20 school?

21 A Yes.

22 Q What kind of progress has she made in the school
23 after this kind of trauma?

24 A At first, it was kind of rough on her, she
25 had a lot of problems of being afraid and things like that,

1 and she wouldn't concentrate, she would daydream.

2 The --

3 Q I'm sorry. Go ahead.

4 A The counselor worked with her, and I worked
5 with her, and the other counselor worked with her, and
6 she's doing pretty good, now.

7 Q Did she ever seem to develop to you or to
8 any counselor who might have related the information to
9 you, did she ever develop any memory difficulties?

10 A Yes, a lot.

11 Q What kind of problems occurred with that?

12 A Of remembering?

13 Q Yes.

14 A At first, when I first brought her home with
15 me before they started at school, she was like in a daydream,
16 she wouldn't know what's happened, she was far away, a
17 distance from me.

18 She would go on, and sometimes she wouldn't eat, she
19 wouldn't know it and she was distant; and then, as time
20 grew on, she came out of it, after talking and counseling
21 with her.

22 Q That also her problems took the part of not
23 being logical, or illogical thinking at times?

24 A Took, you know, what you are saying is if she
25 was --

1 Q A lot of times she just didn't make any sense?

2 A I don't know, I don't know what you are meaning
3 by it.

4 Q Well, Did she seem when she spoke from time
5 to time not to be relating one thing to another one?
6 Well, that she wasn't making sense about anything in
7 particular?

8 A She always made sense, it was just at first
9 she had a lot of problems, you know, being distant, day-
10 dreaming, not realizing what's happening. That's at first;
11 but now, she always made sense, though, when she talked.

12 Q Was she then, or is she now, any kind of
13 discipline problem ever to you?

14 A No, none. I have no problem with her, she's
15 a very excellent girl. I'm very lucky.

16 Q While she was in the hospital or shortly after
17 she was released, did you ever have any conversations with
18 a social worker named Ann Carberry?

19 A Yes.

20 Q Did those conversations take the form of any
21 kind of argument between you and her?

22 A Of Ann and I?

23 Q Yes.

24 A To my knowledge, no. I didn't care for her
25 at first, but --

1 Q What kind of differences of opinion related
2 to the child did the two of you have?

3 A She kind of hurt me pretty bad when my sister
4 died, just remarks. I know she's trying to bring out the
5 hurt, but it kind of hurt.

6 Q What do you mean?

7 A Things about her funeral and things she says
8 I have to admit to them and stuff like that, and I thought
9 I did. Just it was between me and her, what I felt, myself,
10 and I guess she was trying to help; but I --

11 Q Was Ann Carberry doing something or suggesting
12 that you do something with the kids that you didn't think
13 might have been right for them or something, was there
14 any hassle between you and Ann?

15 A About the girls?

16 Q About the girls.

17 A No. I basically didn't know of kids; so, I
18 did correspond with her because of the fact, what is
19 logic and what's not. I mean, what does kids usually do,
20 and what do they not. I didn't know anything about
21 disciplining girls or anything; so, I talked to her about
22 it, what's right, how to handle them.

23 Q How long had your sister lived on Farrar?

24 A Very long time. I don't know. Probably, five,
25 six years, I don't know. It's been a long time.

1 Q Do you have any independent recollection of
2 what her phone number was over there?

3 A Do I know it?

4 Q Yes.

5 A I got it written down.

6 Q Do you have it with you?

7 A Yes, I do.

8 Q Would you tell us what it was?

9 A She had written it in my phone book for me.
10 I have a very old phone book. She had several numbers,
11 I believe the last one was 421-4549.

12 Q Do you have written down the one before that?

13 A She had a temporary number, which was 621-3921,
14 but I think that lasted for a month before it went to that
15 one.

16 Q How often would you see your sister, once a
17 day, once a week, once a month, prior to her death?

18 A I didn't see much of her because the last few
19 years I was on the road, and then when I came home, I only
20 seen her maybe once in a while, maybe once every week, every
21 other week. I didn't see much of her.

22 Q What caused you to be on the road, a job?

23 A I was -- yes. Yes.

24 Q Driver?

25 A I was a traveling photographer.

1 Q Have you ever known your sister to keep or
2 make a diary?

3 A No.

4 Q Ever?

5 A My sister never questioned my life, I never
6 questioned her or asked anything. She never volunteered,
7 and I never volunteered anything to her.

8 Q As far as you know, let me straighten that
9 question out. As far as you know, at the time of her
10 death, was she keeping a diary?

11 A No.

12 Q Did you ever receive any communication from
13 your sister that if anything would happen to her that she
14 would want you to have the kids, a phone call or letter?

15 A I have a letter she had given me quite a few
16 years ago when [REDACTED] and Melinda both was home, before
17 [REDACTED] came, that she wanted me to take her kids if anything
18 ever should happen to her.

19 And I still have it, that letter.

20 Q Did she ever tell you that she was concerned
21 or apprehensive about anyone in particular within, say,
22 the year prior to her death?

23 A No. Like I said, I didn't talk to her very
24 much because I traveled a lot.

25 Q Did you ever visit her when she was over on,

1 when she lived on 14th Street?

2 A Yes. In fact, I visited her, I went over there
3 the year that she had died, I think I went over there about
4 three times.

5 Q Not on Farrar. I mean, on 14th Street.

6 A On 14th Street?

7 Q Yes, before she moved to Farrar

8 A Oh, yes. I visited her a couple of times there.
9 It was, it's a couple of times.

10 Q Was that a two or four-family flat?

11 A I believe it was a four-family flat. She had
12 a three-room apartment.

13 Q Did you ever make any contact with any of her
14 neighbors in that flat?

15 A No.

16 Q Do you know anyone by the name of Billy Hayes,
17 H-a-y-e-s?

18 A No.

19 Q Bill Davis? A No.

20 Q Bill Hunter? A No.

21 Q Bill Hayden? A No.

22 Q Did you ever visit the place on Farrar where
23 your sister was living after she was killed in it?

24 A No.

25 Q Was your sister normally a neat housekeeper or

1 not a neat housekeeper?

2 A She always had things in order, she had a lot
3 of things, but they was always --

4 Q Normally, things wouldn't be thrown around
5 or dirty dishes in the sink, or anything like that?

6 A No, she pretty well kept things in order when
7 I went and visited her, it was.

8 Q Do you know any of the people that she dated
9 within the year prior to her death?

10 A One, I had met Tom a couple of times, and then
11 Jerry Woodward.

12 Q Were you ever in your sister's presence within
13 the year before she died when she was threatened?

14 A I never heard her being threatened, no. It
15 was never mentioned to me.

16 Q How soon after the killing and the assault on
17 the two children did you see either one of the kids?

18 A I got a phone call at work to come home to my
19 little sister's house, and I did. And they told me that
20 JoAnn was dead, and the girls was in the hospital, and
21 there was nothing I could do for JoAnn.

22 So, I went immediately to the hospital, and then
23 stayed by the girls, I stayed with the girls ever since.

24 Q Are you aware of any threatening phone calls
25 which JoAnn would have gotten from somebody she used to date

1 who lives in Overland?

2 A Nope.

3 Q Do you know anybody that JoAnn used to go out
4 with who drives a white Volkswagen?

5 A No.

6 Q Blue pickup truck?

7 A No.

8 Q A white Dodge pickup truck?

9 A (Witness shakes head.)

10 MR. BAUER: You have to answer, yes or no.

11 You can't shake your head.

12 THE WITNESS: No.

13 MR. HAMPE: I have nothing further.

14 MR. BAUER: I don't have any questions for you.
15 But let me explain, she's been taking down everything that's
16 been said here, she's going to type this up. You have a
17 right to read it over after she types it up, or since this
18 is her job, you can assume that she'll do it correctly and
19 not read over it, whatever you want.

20 THE WITNESS: All right.

21 MR. BAUER: Which do you want to do?

22 THE WITNESS: I assume, it's correct.

23 MR. BAUER: We'll waive signature.

24 (WITNESS EXCUSED)

25

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 her 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 she 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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