

IN THE CIRCUIT COURT OF MISSOURI
TWENTY-SECOND JUDICIAL CIRCUIT - DIVISION 22
Honorable James J. Gallagher, Judge

FILED
OCT 6 1983

FREEMAN R. BOSLEY, JR.
CLERK, CIRCUIT COURT

STATE OF MISSOURI,)
)
 Plaintiff,)
)
 v.)
)
 RODNEY LEE LINCOLN,)
)
 Defendant.)

Cause No. 821-02021

TRANSCRIPT RE PRIOR CONVICTIONS

(Wednesday, July 6, 1983)

Attorney for Plaintiff:

Mr. Joseph Bauer, Jr.
Assistant Circuit Attorney
Office of Circuit Attorney
City of St. Louis, Missouri

Attorney for Defendant:

Mr. Robert A. Hampe
Attorney-at-Law
St. Louis, Missouri

Rosemary Bellers
Official Court Reporter

1 TRANSCRIPT RE PRIOR CONVICTIONS

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3 On Wednesday, July 6, 1983, the following proceed-
4 ings were had in Division No. 22 of the Circuit Court of
5 the City of St. Louis, State of Missouri, before The Honor-
6 able James J. Gallagher, Judge, regarding the prior convic-
7 tions of the defendant, Rodney Lee Lincoln.

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9 THE COURT: What about the priors?

10 (A discussion was had which was off the record.)

11 MR. HAMPE: Your Honor, on the subject of prior
12 convictions, I have conferred with the defendant, and he
13 has agreed that I may consent and stipulate that on December
14 the 5th of 1973, he was convicted of murder second degree
15 in St. Louis County; that on October 25th of 1977, he was
16 convicted of burglary second degree in the City of St. Louis;
17 and that on October 25th of 1977, in a --

18 Is that a related case or a companion case?

19 MR. BAUER: It was another file, unrelated. Two
20 separate incidents.

21 MR. HAMPE: It's the same theft.

22 MR. BAUER: Which one are you talking about?

23 MR. HAMPE: This is the same victim.

24 (A discussion was had which was off the record.)

25 MR. HAMPE: Your Honor, on October 25, 1977, the

1 defendant was also convicted of the felony of stealing \$50.00
2 or over. However, I would point out to the Court that, as
3 part of the stipulation, the victim in both convictions on
4 October 25, 1977, is the same.

5 MR. BAUER: Judge, --

6 MR. HAMPE: It may be a burglary and a stealing
7 with the same event.

8 MR. BAUER: I'm looking at the court files, and
9 Cause No. 77-1270 is a burglary that occurred on the 24th
10 of June, 1977, at 7701 Pennsylvania, the property of Reis-
11 Morgan* (sic) Lumber Company, and the stealing over file,
12 77-1435, is that between the dates of April 8th and April
13 9th, 1977, the defendant stole tools of a value of \$85.00
14 belonging to one Val Reis, R-e-i-s.

15 MR. HAMPE: Which is the same name as the --

16 MR. BAUER: Reis-Morgan Lumber Company.

17 MR. HAMPE: -- Reis-Morgan Lumber Company, so it's
18 certainly the same event.

19 MR. BAUER: Well, different dates, though. This is
20 June 24th, and this is April 8th to April 9th. It's
21 probably the same person, but two different thefts or crimes,
22 on two different dates.

23 THE COURT: All right. Then, the Court will accept
24 the stipulation and finds beyond a reasonable doubt that the
25 defendant was convicted, as so stipulated by the defendant's

(* - Correct name: Reis-Moran Lumber Company.)

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counsel in this case, and therefore is a prior and persistent offender and is subject to the standard term of imprisonment under certain circumstances in this case.

MR. BAUER: I think he's also been pled as a dangerous offender.

THE COURT: Yes. The Court also makes a finding beyond a reasonable doubt that the defendant is a dangerous offender under the statutes of law of the State of Missouri.

(A discussion was had which was off the record.)

(Proceedings concluded at 11:54 a.m.)

* * *

Reporter's Certificate

The undersigned hereby certifies that she was the Official Court Reporter in Division No. 22 of the Circuit Court of the City of St. Louis, State of Missouri, at the time the foregoing proceedings were had; that she prepared the foregoing transcript; and that it is an accurate transcription of said proceedings.

Marion Bell CCR
Official Court Reporter

Dated: October 5, 1983.

* * *

STATE OF MISSOURI)
CITY OF ST. LOUIS) ss

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS

STATE OF MISSOURI

FILED

STATE OF MISSOURI,)
Plaintiff,)
vs.)
RODNEY LEE LINCOLN,) Cause No. 821-02021
a/k/a RONALD LEE LINCOLN,)
a/k/a BILL,)
Defendant.)

AUG 8 1983
FREEMAN R. BUSLEY, JR., Clerk
Christie C. Hanks
Deputy

NOTIFICATION OF PRIOR CONVICTIONS

Comes now the State of Missouri and hereby notifies the defendant that if the jury finds him guilty of Capital Murder the State, pursuant to Section 565.006 RSMo, intends to introduce evidence of the defendant's prior felony convictions, to-wit:

1. On January 6, 1967 the defendant was convicted in the Circuit Court of the City of St. Louis, State of Missouri, of the offense of Operating a Motor Vehicle Without Permission of the Owner, and was sentenced to 6 months in the City Workhouse, and placed on probation for a period of 6 months.

2. On December 12, 1969, the defendant was convicted in the Circuit Court of the County of St. Louis, State of Missouri, of the offense of Burglary Second Degree, and was sentenced to 2 years in the Missouri Department of Corrections and placed on probation for a period of 2 years.

3. On December 12, 1969, the defendant was convicted in the Circuit Court of the County of St. Louis, State of Missouri, of the offense of Stealing, and was sentenced to 2 years in the Missouri Department of Corrections and was placed on probation for a period of 2 years.

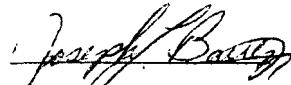
4. On December 5, 1973, the defendant was convicted in the Circuit Court of the County of St. Louis, State of Missouri, of the

offense of Murder Second Degree and was sentenced to 10 years in the Missouri Department of Corrections.

5. On October 25, 1977, the defendant was convicted in the Circuit Court of the City of St. Louis, State of Missouri, of the offense of Stealing \$50.00 or over, and was sentenced to 5 years in the Missouri Department of Corrections.

6. On October 25, 1977, the defendant was convicted in the Circuit Court of the City of St. Louis, State of Missouri, of the offense of Burglary Second Degree, and sentenced to 5 years in the Missouri Department of Corrections.

Respectfully submitted,



JOSEPH L. BAUER, JR.
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A copy of the foregoing mailed or delivered to Robert A. Hampe, Attorney for Defendant, this 8th day of August, 1983.

