

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

RODNEY LINCOLN
Petitioner,

vs.

STATE OF MISSOURI
Respondent.

Case No. 821-2021
Division 21

FILED
JAN 06 2011
22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
DEPUTY

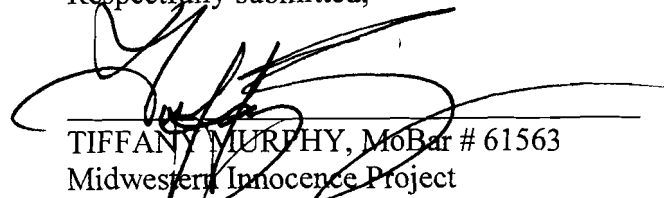
STIPULATION TO POST-CONVICTION DNA TESTING

1. 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 Serological Research Institute (SERI), 3053 Research Drive, Richmond, CA 94806-5206.
2. The following samples will be tested by SERI:
 - a. Pubic hair found on blue blanket (Evidence Box 3810: g. Manila Envelopes 7i, file holder with hair from blanket, ii.Box with hair from blanket).
 - b. Fingernail scrapings from victim Joanne Tate (Box 3809, a. Evidence Bag #204503 – Fingernail Scrapings, 2 boxes).
 - c. Rape kits collected from the three victims (Box 3809, e. Evidence Bag, Q-21 – Rape Kit; f. Sexual Assault Evidence Bag, Q-22 – oral, vaginal, rectal swabs; Box 3810: a. Evidence Bag, wrapped in plastic bag – rape kit; f. Evidence Bag, Q-23 – specimens, oral rectal swabs).
 - d. Hair found near R.T.'s perineum (Box 3810: f. Evidence Bag, Q-23 – specimens, oral rectal swabs).

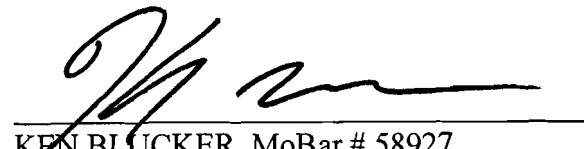
- e. Pubic hair of Tom Shultz (Box 3810, j. Expandable File Folder, viii. 37 envelopes with pubic hair samples from: 30. Thomas Shultz).
 - f. Sample from Rodney Lincoln.
3. The State agrees to deliver the evidence to the St. Louis City Crime Lab within the next couple of weeks. Thereafter, the St. Louis City Crime Lab agrees to inspect and contact SERI regarding the viability of each of the above listed items of evidence, no later than December 4, 2009. The St. Louis Crime Lab will then package and ship the available evidence to SERI for DNA testing.
 4. A testable portion of item c, *see* paragraph 2 *supra*, shall be provided to SERI. The remaining portion of these items shall be retained by the St. Louis Crime Lab. The St. Louis Crime Lab will conduct simultaneous DNA testing on the remainder of item c.
 5. Mr. Lincoln consents to provide a DNA sample for testing. Missouri Department of Corrections is authorized and directed to take samples from Mr. Lincoln and send those samples to the St. Louis Crime Lab by December 4, 2009. The St. Louis Crime Lab will send Mr. Lincoln's sample to SERI.
 6. 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 Crime Lab, in a sealed and scientifically acceptable manner upon completion of testing by SERI.
 7. The Midwestern Innocence Project agrees to pay for the costs of the DNA testing conducted by SERI.

8. 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.
9. Upon receiving the results of the DNA testing, the findings will be litigated by parties, pursuant to R.S.Mo. § 547.037.

Respectfully submitted,

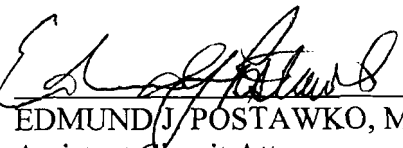


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