

# MIDWEST INNOCENCE PROJECT

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*FOR IMMEDIATE RELEASE*

## **Rodney Lincoln Remains in Prison for Murder After Cole County (Mo.) Circuit Court Denies His Freedom**

*Judge Daniel R. Green rejects Lincoln's request for an exoneration  
based on newly discovered evidence, state misconduct*

**Kansas City, Mo.** (June 17, 2016) – The [Midwest Innocence Project](#) (MIP), a not-for-profit corporation dedicated to the investigation, litigation and exoneration of wrongfully convicted men and women in Missouri, Kansas, Arkansas, Iowa and Nebraska, announces that Judge Daniel R. Green of the Circuit Court of Cole County Court House denied Rodney Lincoln's freedom yesterday in a ruling, rejecting Mr. Lincoln's claims of innocence. Judge Green's ruling comes just a day after his denial of Mr. Lincoln's request for furlough to attend the funeral of his 23-year-old granddaughter, who was shot and killed this week in St. Louis.

"We are disappointed, but we will not stop fighting for Mr. Lincoln's freedom," said Tricia Bushnell, legal director of the MIP. "The testimony and evidence presented shows that no credible evidence connects Mr. Lincoln to this crime and that justice for Mr. Lincoln and the victims' family requires he be released."

At an evidentiary hearing on March 17 and 18, Mr. Lincoln's legal team asked Judge Green to overturn Mr. Lincoln's conviction and order his immediate release. Mr. Lincoln has served 34 years in prison for the murder of JoAnn Tate and the assault of her two young daughters in 1982 and has consistently maintained his innocence. Mr. Lincoln's supporters packed the courtroom for the two-day hearing. Among them was M.D.,\* Tate's daughter and surviving victim, and her family. M.D.'s coached identification of Lincoln was used as evidence to convict him.

Mr. Lincoln's first trial resulted in a hung jury in 1982. The jury at his next trial convicted him after the City of St. Louis presented evidence of M.D.'s identification and a hair found at the crime scene, which the prosecutor said "matched" Lincoln's hair. DNA testing of the hair has since proven that it was not Mr. Lincoln's, and additional new evidence supports a finding that the identification by the victim was manipulated.

Eyewitness misidentification is a leading cause of wrongful convictions, contributing to more than 70 percent of the DNA exonerations around the country according to the Innocence Project. Evidence presented at the hearing showed that M.D. identified Mr. Lincoln after investigators questioned her for several months, including during a month-long stay in the hospital. M.D. has since retracted her earlier identification.

"For the first time in my life, everything is lined up: my gut, my brain, all of it. Rodney Lincoln was never there. He didn't do this," said M.D. in an affidavit recanting her identification of Mr. Lincoln in November of 2015. M.D.'s revelation occurred after she viewed a television show about his case. Since then, M.D. has advocated for Mr. Lincoln's freedom alongside his daughter, Kay Lincoln.

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“Because of the tactics used, M.D. had no choice but to identify Mr. Lincoln,” said Bushnell. “While in the hospital, investigators told her ‘the bad man’ was behind a door and that if she did not identify ‘the bad man,’ he would walk free.” Investigators then showed M.D. two photos — one of Mr. Lincoln and one of a relative. The MIP team also discovered that records never presented at trial revealed that on several occasions, social workers and state actors also worked with the prosecutor’s office to prepare M.D. for trial, including identifying the chair ‘the Bad Man’ would sit in and rehearsing M.D.’s testimony for trial.

M.D.’s family members also testified for the defense. Her uncle, Nathaniel Clenney, and her cousin, Jacqueline Barton, testified how difficult it was for M.D. to come forward, and that they, too, had long harbored doubts about Mr. Lincoln’s guilt. The court also heard testimony from Lincoln’s daughter, Kay Lincoln, describing the emotional phone call she received from M.D. stating that she had made a mistake.

“This is a devastating outcome for Mr. Lincoln and his family, as well as for M.D. and her family,” said Sean O’Brien, founder of the MIP and professor at the University of Missouri (Kansas City) School of Law. “But we will keep fighting.”

The MIP first took on Mr. Lincoln’s case in 2005, and in 2010, MIP attorneys Tiffany Murphy and Ken Blucker initiated litigation to test several pieces of evidence for DNA. Another MIP attorney, Laura O’Sullivan, continued the litigation at the Missouri Court of Appeals, Western District. Though the DNA tests excluded Mr. Lincoln as a contributor to evidence from the crime scene, Jennifer Joyce, a City of St. Louis prosecutor, maintained that Mr. Lincoln was guilty on the strength of the eyewitness identification of Lincoln by M.D.

Since then, Ms. Bushnell and the MIP legal team of Rachel Wester, Penelope Kress and Summer Farrar, along with Mr. O’Brien and his students at the University of Missouri – Kansas City (UMKC) School of Law, gathered the facts and told the story of what happened to Tate and her two daughters, M.D. and R.T., on the night of April 27, 1982.

“The road to justice is a long and difficult one, but the MIP is in it for the long haul,” said Oliver Burnette, executive director of the MIP. “The only reason we can continue to work so hard to free people like Rodney Lincoln is because of donations from supporters of the wrongfully convicted.”

For those interested in supporting the MIP, please consider donating at [www.themip.org](http://www.themip.org).

*\*The initials M.D. and R.T. are being used to protect the identities of Tate’s daughters.*

### **About the Midwest Innocence Project**

The Midwest Innocence Project is a not-for-profit corporation dedicated to the investigation, litigation and exoneration of wrongfully convicted men and women in Missouri, Kansas, Arkansas, Iowa and Nebraska. The Midwest Innocence Project was founded at the University of Missouri – Kansas City (UMKC) School of Law in 2000 as a 501(c)(3) nonprofit corporation and operates today as an independent organization in partnership with the University of Missouri (Kansas City) and (Columbia) Schools of Law, the University of Kansas and local legal communities. The MIP is a licensed organization of the Innocence Project founded at Benjamin N. Cardozo School of Law at Yeshiva University in 1992 and works with 68 similar organizations around the world in coordinating legal work and education efforts. For more information, please visit [www.themip.org](http://www.themip.org).

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