IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI	)	
ex rel.	)	
RODNEY L. LINCOLN,	)	
	)	
Petitioner,	)	
	)	
v.	)	**No. WD79854**
	)	
JAY CASSADAY, Superintendent,	)	
Jefferson City Correctional Facility,	)	
	)	
Respondent.	)	

REPLY TO RESPONSE TO SHOW CAUSE ORDER

In his zeal to preserve a fundamentally unjust and false conviction, Respondent has turned on the victim and her family. In order to rule as the State argues, this Court must find that M.D., who witnessed the brutal murder of her mother and attack on her sister while suffering a vicious sexual and physical assault herself, would change her testimony to release her mother's murderer for $900, two flights to Missouri, and a few changes of clothing. That is preposterous. For 34 years, the State has asserted M.D.'s credibility. Now, when she recognizes her mistake and has called on the State to release Rodney Lincoln, it has turned its back on her. Respondent challenges not only the testimony of M.D., but the testimony of her family, including M.D.'s uncle Nat Clenney, who discovered his sister's body and testified for the State at Mr. Lincoln's trial.

The family and M.D. have recognized the truth that the State has worked to hide: that Rodney Lincoln did not commit this crime. From the beginning, M.D. has consistently asserted that "Bill," not Rodney Lincoln, was the perpetrator. H.T. 3/18/16 at 9, 31. Unfortunately, in a pattern now too familiar, the State ignored what the young victim was telling them. Instead, it manufactured the two pieces of evidence used to convict Mr. Lincoln—a hair that did not belong to Mr. Lincoln, and the suspicionless identification of a man who did not match the information M.D. provided. Now, 34 years later, the truth behind those lies has surfaced. DNA testing has obliterated the hair evidence. A now mature victim, in spite of sustained pressures of the State, M.D. has revealed how she was manipulated to identify Rodney Lincoln. And previously undisclosed Department of Family Services (DFS) records reveal the lengths the State took to concoct that identification. The State attempts to avoid the truth by attacking the credibility of its own witness, who gains nothing from her recantation, and asserting procedural technicalities. But just like M.D.'s manufactured identification of Mr. Lincoln, those arguments are also a distortion of the truth.

Respondent's attempt to preserve Mr. Lincoln's fundamentally unjust convictions and sentences lacks any legal or factual integrity and should be rejected by this Court.

I. M.D.'s Recantation Is Credible.

This is a rare habeas corpus case in which the victim, M.D., her extended family, the prisoner, Rodney Lincoln, and his extended family, are asking this Court for the same thing: Release Rodney Lincoln. Both families make this request for the same reason: Rodney Lincoln is innocent. Exactly zero evidence remains to connect Rodney Lincoln to the brutal assault on JoAnn Tate and her daughters, not even a bare suspicion, and the only witness to the crime now testifies that Mr. Lincoln was not the attacker. At a retrial in this case, Mr. Lincoln would certainly be acquitted on the evidence now available, assuming the case could even get to a jury.

Although Respondent attempted to address a small portion of the body of evidence proving Mr. Lincoln's innocence, that discussion is incomplete, misleading, or outright false and should be rejected. Perhaps most troubling is Respondent's discussion of M.D.'s credibility, which pits M.D.'s retraction at age forty-one against her identification of Mr. Lincoln as a critically wounded seven-year-old girl. The notion that M.D. would betray everyone who loved and supported her for thirty-four years to get the attention of an opportunistic, unprincipled journalist is offensive. That narrative requires the Court to ignore every other piece of evidence in the case, contrary to the law's command to weigh

"all the evidence." *Schlup v. Delo*, 513 U.S. 298, 328 (1995); *House v. Bell*, 547 U.S. 518, 540 (2006). The whole truth makes a much more compelling story.

A. Jurors Would Believe M.D.'s Testimony That Mr. Lincoln Is Innocent.

As much as Respondent wants it, there is no rule of evidence that says witnesses only tell the truth when they testify for the government, nor is there a rule that all recantations are false. *Cf. State v. Harris*, 428 S.W.2d 497, 501 (Mo. Div. 1 1968) (recantation by a prostitute/co-actor viewed with suspicion), and *State ex rel. Koster v. McElwain*, 340 S.W.3d 221, 229 (Mo. App. WD 2011) (treating recantation by a Missouri State Trooper as important new evidence). Even if the recanting witness were in any way unsavory—which M.D. certainly is *not*—the law would not automatically reject the new testimony without examining the context. *See State ex rel. Amrine v. Roper*, 102 S.W.3d 541 (Mo. banc 2003) (granting a new trial based on recantations of three jailhouse informants.). Obviously, context is everything, yet Respondent ignores all context.

For example, Respondent ignores important aspects of M.D.'s own testimony and that of her family about the development and solidification of her mistaken identification of Mr. Lincoln. At trial and at Mr. Lincoln's habeas corpus hearing, the evidence established that M.D., then just a first-grader, was told that getting justice for her mother rested entirely on her shoulders. She was presented a suggestive, two-photo display that included only Mr. Lincoln and a member of

M.D.'s own family, Gary Parris, and warned by Detective Burgoon that a wrong choice would "let the bad man go." T. 432. This is consistent with M.D.'s testimony that "Detective Burgoon told me that the man who murdered my mother was in the pictures and I had to pick out the bad man or he would go free." H. T. 3/17/17 at 40. Respondent does not address the sustained pressure on M.D. to manufacture the identification, *see* H. T. 3/17/17 at 47-48, nor does he mention the concerted effort among her treatment network to prepare her to testify, and the blurred line between treatment and trial preparation and between her treatment team and law enforcement. *See* Petition 82-96.[1] Respondent also ignores evidence that M.D. was told before trial where Mr. Lincoln would be sitting, and evidence that M.D. pointed to other men, including the prosecutor, as the "bad man." *See* Petition 79-82. Respondent charts a path laid out to avoid and conceal the truth.

Even before M.D.'s recantation, Mr. Lincoln's conviction rested on a demonstrably false assumption, still advocated by Respondent, that M.D.'s identification "never wavered." Response at 27. Indeed, only by withholding evidence that M.D. identified the prosecutor and others as "the bad man" could the State trick previous courts into finding that "[t]he child's testimony never wavered

[1] Even M.D.'s family was in on the act; her aunt Abigail Wallace kept her doubts about Mr. Lincoln's guilt to herself because that was the family's view of how to stay together in their support of M.D. *See* Ex. 37 at 3. M.D.'s uncle, Nathaniel Clenney, avoided expressing his doubts for years "because I didn't want to upset her. Because if I would have, then I would -- then I would be questioning, you know, her and I stood by her." H.T. 3/18/16 at 74.

that it was in fact movant/defendant who attacked the family." *Lincoln v. State*, 457 S.W.3d 800, 804 (Mo. App. E.D. 2014). To focus solely on a small portion of the circumstances under which M.D. acknowledged her mistaken identification, and pretending that the troubling facts surrounding her original mistaken identification are simply not there, rejects the integrity that flows from the court's obligation to consider "all the evidence." *Schlup* at 328. Integrity requires looking at the whole picture.

B. The State Manipulates M.D.'s Family's Love And Support To Argue M.D. Is Not Credible.

In arguing that M.D. and her family are not credible, the State's Response twists facts important to M.D.'s persuasive explanation for spontaneously coming forward to correct a fundamental miscarriage of justice. First, Respondent argues that M.D.'s recantation was the result of family pressure. According to Respondent, "The recanting witness's family, who did not have personal knowledge of the crime, decided that Lincoln was not the killer." Response at 12. This is incorrect. Not only did M.D.'s family have personal knowledge relevant to the crime, all of them were affected by the loss of JoAnn Tate and all of them were invested in finding and keeping the real perpetrator behind bars. Indeed, both Nat Clenney and Abigail Wallace testified for the State at trial. Nat, JoAnn Tate's brother and M.D.'s uncle, was the first person to enter the apartment after the commission of the crime. Upon realizing what happened to his sister, he was angry

and agitated. He testified that when he discovered M.D. under the covers of her bed, he screamed at her, "Who did this?" M.D. replied, "Bill." T. 402; H.T. 3/17/18 at 30. Similarly, JoAnn Tate's sister and M.D.'s aunt, Abigail Wallace, testified at trial that she entered Tate's home after the police investigation was completed and found cigarette butts that had not been collected. T. 908-910. JoAnn Tate did not smoke. T. 909. The cigarettes were thrown into the trash. T. 912.

It is not true, as Respondent argues, that the family came together and had "a gut feeling that 'maybe Rodney wasn't the guy.'" Response at 12. Their doubts were based on probative facts derived from personal observations and knowledge. M.D.'s repeated identification of "Bill" was significant to the family because "[M.D.] knew Rodney, and if he were the real killer, [M.D.] could have named him from the start." Ex. 37 at 3; *see also* Ex. 36 at 2. Unlike the courts and defense counsel, the family was aware that M.D. and her sister had cowered from other men—not Rodney Lincoln—who might be the "bad man." H.T. 3/18/16 at 73; Ex. 36 at 3. It didn't help when the family discovered during the DNA hearing that the police had fed them corroborating "facts" that turned out to be false, e.g., that Mr. Lincoln "had healing scratches and claw marks all over his body" when he was arrested, that he was high on PCP when he committed the crime, that not only his hair but his fingerprints put him at the scene, and that he had been in a mental hospital. H.T. 3/18/16 at 70-72; Ex. 36 at 3; Ex. 37 at 1-2. After M.D.'s

recantation, Detective Burgoon called Ms. Wallace and Mr. Clenney and told them, for the first time ever, about the "funny finger." Ex. 36 at 3; Ex. 37 at 3. Ms. Wallace is skeptical that this story is true because Melissa never mentioned anything about a missing finger before or during Mr. Lincoln's trial. Ex. 37 at 3. Mr. Clenney is also suspicious of the funny finger story because it surfaced for the first time decades after the trial, and he knew that Mr. Lincoln was missing a finger, "[b]ut the missing finger was never used as evidence at trial." Ex. 36 at 3. Respondent is wrong in his baseless accusation that M.D.'s family pressured her into the recantation. To the contrary, the family was manipulated into unconditionally supporting a false identification. Ms. Wallace is "disappointed, because we trusted the detectives." Ex. 37 at 4. Nat Clenney is more direct: "I feel that the police betrayed us." Ex. 36 at 3.[2]

Respondent offers no explanation why a family who testified against Mr. Lincoln and spoke against him at his parole hearings would now support his release for any reason other than they realized the truth—that Rodney Lincoln did not commit the crime. JoAnn Tate's death affected everyone. Jacqui Barton, M.D.'s cousin and best friend, described the toll it took on her and her family. H.T. 3/18/16 at 49-50. "Everybody was going through their own kind of trauma." *Id*. at

[2] It is worth noting that these are the same detectives who were hiding exculpatory evidence and manufacturing false testimony against George Allen in this same time frame. *See State ex rel. Koster v. Green*, 388 S.W.3d 603 (Mo. App. WD 2012), freeing Mr. Allen after 32 years of wrongful incarceration.

50. Jacqui, who stopped by JoAnn Tate's home on the day of her murder, was hospitalized at a St. Louis Children's Hospital for a month because of the trauma she experienced. *Id.* at 50-51. But, in her words, "nothing compares to [M.D.'s] and Uncle Nat's trauma…." *Id*. at 50. Yet, the State would have us believe that these victims would forget traumatic events and collude to create a story to let the real killer loose. That is absurd.

Moreover, the State offers no evidence that the family tried to convince M.D. that Rodney Lincoln was not the killer. Instead, the testimony establishes that M.D. and her family independently and simultaneously decided to act after watching a presentation of the evidence on a television program, but doubts about Mr. Lincoln's guilt were there from the beginning. *See* Petition 26-29; Ex. 36 & 37. Indeed, M.D.'s family testified they were afraid to tell M.D. about their new belief, because as the State has noted, she was steadfast and vocal for 34 years that Rodney Lincoln had committed the crime. H.T. 3/18/16 at 79, 80, 56; Response at 14.

M.D. first disclosed her recantation to Jacqui Barton. Up to that point, the family had walked on eggshells, because "[we] didn't want [M.D.] to feel like she was invalidated. [We] didn't want her to feel like we weren't behind her." H.T. 3/18/16 at 56. Contrary to Respondent's claim, there was no pressure at all from the family to recant, only a communication of unconditional love and support

regardless of what she would say about Rodney Lincoln. The original plan was to simply tell M.D.'s therapist "what her family had had feelings about so that [M.D.] could talk to her in a safe zone." *Id.* But when Jacqui returned home to M.D. and began to take "baby steps" toward the subject, she felt like there was already a "safe zone" in which to tell M.D. what the family was thinking, and so she did. H.T. 3/18/16 at 56-57. Jacqui described M.D.'s reaction:

> She started crying, which scared the mess out of me because I thought, Oh, crap, I just broke her. I broke her. But actually she started laughing, she was crying and she said, *You've given me so much peace right now because I've been thinking the same thing*, but I was so scared to say something. And she -- oh, my God, she was -- she said this is get-- the fact that my family also feels the same way, it gives me, like, I feel a new sense of -- she just peace.

H.T. 3/18/16 at 57 (emphasis added). The evidence shows that M.D. was thinking about coming forward before she knew that her family would continue to support her if she did. It was the *release* of the pressure that the police put in place right after the crime, and the knowledge that the family could safely be honest with each other for the first time in three decades, that enabled M.D to come forward with the truth.

The State's attack on M.D. and her family is meritless. It is impossible to believe a family that suffered through so much would gain anything through the revelation that the wrong man was convicted for the murder of their loved one. And indeed, they have gained nothing.

C. The State Misconstrues The Source And Consequences of M.D.'s PTSD.

The State next argues that M.D.'s "recantation is not reliable," Response at 2, *because* she was diagnosed with Post-Traumatic Stress Disorder ("PTSD"), *id*. at 3, 17, stating, "She testified that as a result of PTSD she has short-term memory loss, issues with focusing, and sometimes issues with flashbacks." *Id.* at 17. Yet the State offers no explanation about how PTSD would create false memories, induce M.D. to lie about who attacked her, or how it would affect her long-term memory. In fact, Respondent displays virtually no awareness of what PTSD is, where it comes from, or how it affects afflicted patients. PTSD is induced by a triggering event that "falls within the rubric of 'psychological trauma,' [including] violent interpersonal assault (such as rape, physical or sexual assault, physical or sexual abuse, and domestic battering)." Kathy Wayland, *The Importance of Recognizing Trauma Throughout Capital Mitigation Investigations and Presentations,* 36 HOFSTRA L. REV. 923, 928 (2008). In fact, people exposed to "physical and sexual assault (especially rape) are at particular risk for developing PTSD." *Id.* at 937, citing Ronald C. Kessler et al., *Posttraumatic Stress Disorder in the National Comorbidity Survey*, 52 ARCHIVES GEN. PSYCHIATRY 1048, 1053 (1995). There is no need to recount the evidence that establishes beyond question that the knife attack on M.D. and her family supports M.D.'s diagnosis. It is also true that PTSD induced by a traumatic event as young as age seven, followed by

years of multiple painful surgical treatments, as in M.D.'s case, would still be diagnosable in adulthood. "Early childhood stress, *especially when it is extreme or prolonged*, can impair the development of major neuroregulatory systems, with profound and lasting neurodevelopmental and neurobehavioral consequences *over the course of a lifetime*." *Id.* at 936 (emphasis added), citing Charles B. Nemeroff et al., *Posttraumatic Stress Disorder: A State-of-the-Science Review*, 40 J. PSYCHIATRIC RES. 1, 7-10 (2006). Respondent's argument that PTSD was a factor in M.D.'s recantation at age 41, but not her mistaken identification of Mr. Lincoln at age seven, simply shows his ignorance about PTSD.

Respondent argues that M.D.'s PTSD diagnosis made her vulnerable to manipulation by a television show and her family, Response at 8, citing Morgan, Southwick, Steffian, Hazlett and Loftus, *Misinformation Can Influence Memory For Recently Experienced Highly Stressful Events*, 36 INTERNAT'L J. L. & PSYCHIATRY 11-17 (2013), but the research by Morgan, et al., is much more pertinent to the circumstances surrounding M.D.'s original photographic and lineup identification of Mr. Lincoln. It is doubtful that Respondent would have cited Morgan, et al., had he actually read and understood their research. For the Court's convenience, Petitioner has submitted the article as Exhibit 43. While Morgan, et al., do indeed discuss the creation of false memories, a review of their study and the related empirical research establishes that M.D.'s initial

photographic identification process was most likely to have prompted a false identification—which is exactly what M.D. herself now states. *See* Ex. 35 at 9 ("my brain was filling in who was supposed to be there.").

Morgan, et al., investigated the "misinformation effect," which "refers to the errors in recalling the details of a past event made by individuals who were subsequently exposed to *false or erroneous* information about the event." Ex. 43 at 11 (emphasis in original). Previous research indicated that "when people claim erroneously that they have seen the misinformation details, they seem to truly believe that they did." *Id.*, citing Loftus & Palmer, *Reconstruction of automobile destruction: An example of the interaction between language and memory*, 13 JOURNAL OF VERBAL LEARNING AND VERBAL BEHAVIOR 585 (1974); Scoboria, Mazzoni, & Kirsch, *Effects of misleading questions and hypnotic memory suggestions on memory reports: A signal-detection analysis*, 54 INTERNATIONAL JOURNAL OF CLINICAL AND EXPERIMENTAL HYPNOSIS 340 (2006).[3] This is similar

[3] In examining this issue, Morgan, et al., conducted an empirical study of 800 military personnel confined in a stressful mock POW camp during a phase of Survival School training. The training placed soldiers in a realistic evasion-and-capture scenario, "modeled from the experiences of actual military personnel who have been prisoners of war," including coercive interrogation methods. Ex. 43 at 12. The researchers explored whether misinformation could affect memory for a "recently experienced, personally relevant, highly stressful event." *Id.* (emphasis added). These characteristics make the findings in the study far more relevant to M.D.'s susceptibility to the highly suggestive improper police identification procedures conducted immediately after the crime, *see* Petition 5-11, than they were to her recantation decades later.

to the numerous false pieces of information provided to M.D. during the months-long identification process, including multiple photo lineups and questionings.

The study that Respondent endorsed explains M.D.'s misidentification of Mr. Lincoln. Morgan, et al., tested memory for a number of details about the participants' interrogation experience, including the presence of objects, such as weapons or telephones, and facial descriptors of the interrogators (facial hair, eye-glasses, etc.), in addition to identification of the interrogator. Not surprisingly, "participants who were exposed to misinformation were more likely to endorse false memories for their experience at Survival School." *Id.* at 15. The rate of error in the participants' attempts to identify a photograph of his or her interrogator was remarkable. In photograph identification procedures where the "target" (i.e. the interrogator, or in M.D.'s case, the real perpetrator) was absent, a majority of participants misidentified their interrogators: When participants were not fed misinformation, the False-Positive Endorsement Rate was 53% (84/158), but when false information was introduced, the False-Positive rate jumped to 91% (77/85). *Id.* at 15. Based on the suggestive pre-identification procedures conducted by St. Louis City Police, M.D.'s experience is analogous to the group that experienced the 91% error rate in target-absent photographic identifications. Put another way, if M.D. had undergone training as a Navy Seal prior to her assault, and then was shown a picture of Mr. Lincoln and asked to identify him, there is a 91% likelihood

that she would have said yes even if he is innocent. This Court must ask whether a seven-year-old stabbing and rape victim would have done any better. Respondent's research amply proves Petitioner's point.

Although there are some caveats when comparing the reliability of an identification by a seven-year-old victim of a violent crime to "a population of military personnel who are trained to resist propaganda and misinformation," *id.* at 16, those qualifications only further support the susceptibility of M.D. to suggestion and the unreliability of her identification of Rodney Lincoln. For example, the study indicated that "misinformation is more likely to be accepted when presented in association with persons perceived, by the recipients, to be in positions of authority." *Id.* Adults are authoritative to a young seven-year-old, particularly law enforcement and those associated with the criminal justice system. M.D. herself recognized the importance of detectives in her life at the time. *See* Ex. 35 at15. ("I worshipped everyone that I ever came into contact with in the judicial system because to me, they were awesome people, they were safe people."); *id.* at 14 (Ed Postawko: "who do you feel manipulated you?" MD: "Joe Burgoon … I don't think he did it on purpose, I think it was terrible police work. And I love him. He was like a dad to me.").

Despite his reliance on this study, Respondent wholly fails to acknowledge the degree to which seven-year-old M.D. was coaxed into selecting a picture of

Rodney Lincoln. The identification process lasted months, included questioning under stressful conditions[4] during M.D.'s month-long stay at the hospital while recovering from surgery, and included several photo line-ups, each with 10-13 photos. T. 504-505; Ex. 27, State's Exhibits 113 a-j; T. 505-506; Ex. 28, State's Exhibits 114 a-l; T. 740-742; Ex. 29, State's Exhibits 115a-m;T. 508-509, 511. Based solely on these conditions, it is unsurprising that M.D. made a faulty identification in those intervening weeks. The conditions were set up to create it.

The extreme trauma suffered by M.D. makes it all the more important to examine the context surrounding M.D.'s identification of Mr. Lincoln, especially of facts not influenced by suggestive police procedures. It is therefore particularly notable that M.D.'s current testimony is entirely consistent with her initial recollection to her uncle and hospital personnel that "Bill" committed the crime. T. 402, 512, 786-788. While in the hospital, M.D. told detectives numerous details about "Bill": that he had driven a yellow cab in 1981, but now drove a white Volkswagen and lived in Illinois with his drunk mother, T. 355, 513-14; Ex. 8 at

[4] Research shows that "perceptual abilities actually decrease significantly when the observer is in a fearful or anxiety-provoking situation." Frederic Woocher, *Did Your Eyes Deceive You? Expert Psychological Testimony on the Unreliability of Eyewitness Identification*, 29 Stan. L. Rev. 969 (1977); Charles A. Morgan III et al., *Accuracy of Eyewitness Memory for Persons Encountered During Exposure to Highly Intense Stress*, 27 Int'l J.L. & Psychiatry 267, 274 (2004) (Data provides "robust evidence that eyewitness memory for persons encountered during events that are personally relevant, highly stressful and realistic in nature may be subject to substantial error"), *available a*t http://www.nlada.org/Defender/forensics/for_lib/Documents/1150823205.44/Article-Intl%20J.%20L.%20Psy.-Accuracy%20of%20eyewitness%20memory...Morgan.pdf.

33; that he had recently moved or traveled to Hollywood, CA, Ex. 8 at 26; that he "had black hair all the way to his ears." T. 515; Ex. 8 at 33; and that he had been to their apartment three days before to fix her mom's car. T. 516, 402. All of these details are consistent with M.D.'s recollection now. And all of them are inconsistent with Rodney Lincoln's guilt.

M.D. testified at the evidentiary hearing:

> A. What I told the police from the beginning is what is the most accurate.
>
> Q. And what is it that you remember telling the police in the beginning?
>
> A. That the man had been to Hollywood, that his name was Bill, and he drove a Volkswagon, and my mother had met him in Hyde Park, and he had worked on our house, worked on our car a few days before she died.

H.T. 3/18/16 at 9-10. She reiterated:

> Q. You said that your original statement was the most accurate?
>
> A. Yes, ma'am.
>
> Q. What was that statement?
>
> A. The statement that the man had went to Hollywood, that he drove a Volkswagon, that we met him at Hyde Park, that his name was Bill, and that he worked on our mom's car a few days before he killed her. That was the most accurate.

Id. at 31. The State's argument that M.D.'s memory is incorrect because she was diagnosed with PTSD is meritless. Her initial statements and both her prior and

current testimony make clear her memory is consistent. The only thing that has changed is the revelation that her identification of Mr. Lincoln was coached.

The State further offers nothing to suggest the flashbacks M.D. experiences indicating Tommy Lynn Sells was the perpetrator are false, but again simply relies on her PTSD diagnosis as if that alone is an attack on someone's credibility.[5] Such an argument is an insult to victims everywhere. There is no doubt that the State, who purports to represent victims on a daily basis, would and does rely on victims who suffer from PTSD as a result of the crimes committed against them to secure convictions. It is only because M.D.—the very person the State argued was the "key" to Mr. Lincoln's conviction—no longer parrots their coaxed identification that they use her victim status against her. This is inexcusable.

Next, the State further insults M.D. by arguing that she has changed her testimony—something she has stood firmly behind for 34 years—for $900 and two trips to Missouri paid for by Crime Watch Daily: one to visit with Ed Postawko and another to meet Mr. Lincoln. *See* Response at 17-18. This suggestion is disgusting. M.D. survived a brutal and horrific attack. Since the conviction of Mr. Lincoln, she has stood behind the State of Missouri and built an identity around her testimony. M.D. testified that through the years, she has spoken publicly about her

[5] Respondent also offers an alibi for Sells, but the evidence only establishes Sells' whereabouts up to April 14, 1082, nearly two weeks before the crime. The evidence is discussed in Mr. Lincoln's Petition and need not be repeated here. Petition 46-51.

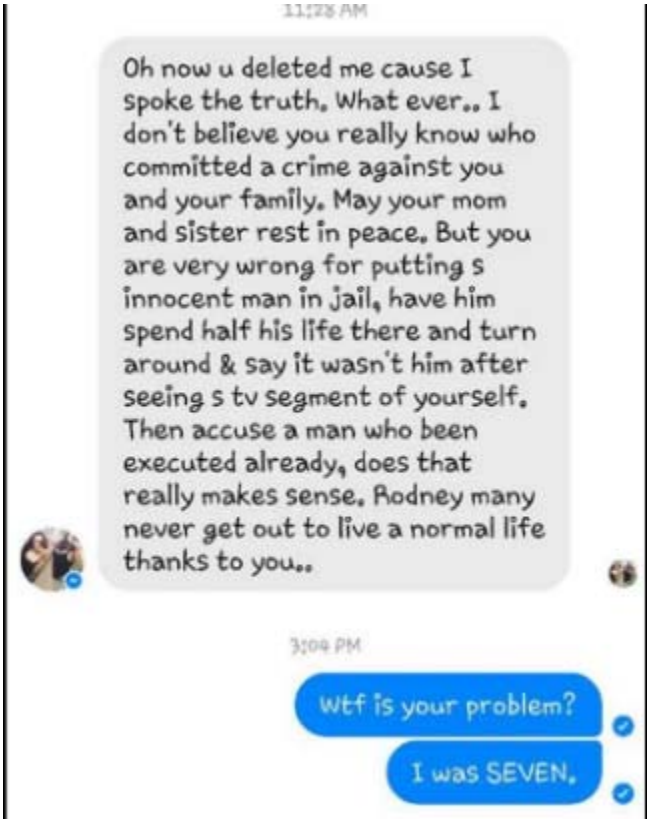
role as a victim. In 2005, she spoke at a victim's rights rally. H.T. 3/17/16 at 67. She has also spoken to classes, *id.*, and for years, kept an online diary about the case, maintaining Rodney Lincoln's guilt and expressing her interest in victim's advocacy. *See* Diaryland, "Xnavygrrl", http://members.diaryland.com/edit/profile.phtml?user=xnavygrrl. She created a memorial for her mother on the 25th anniversary of her death, writing, "I'll do whatever I have to do to keep Mom's killer behind bars. I think she deserves my best. Me and my Uncle are united in that fight." JoAnn Tate, Memory Of, http://JoAnn-tate.memory-of.com/.

For 34 years, M.D. sought to be an advocate for victims and to help bring their issues to light. To think she would throw away her identity and deny the memory of her mother for $900 and the pleasure of visiting Ed Postawko and a prison is outrageous. M.D. has received no fame and fortune from her recantation—only guilt and shame. Indeed, M.D. testified she would never alter her testimony for money or media attention, stating, "I'm not about money. I cannot be bought or sold. I'm about integrity." H.T. 3/17/16 at 93. The State attempts to make an argument that M.D. stands to gain something from a questionable "exclusive contract" with Crime Watch Daily, arguing that "the consideration she receives for that contract is the security of only talking to Crime Watch Daily." Response at 18. This argument is without merit. M.D.'s very first

retraction of her identification to Jacqui Barton, Kay Lincoln, and prosecuting attorney Ed Postawko came before Crime Watch Daily's unscrupulous producer, Ron Zimmerman, decided to buy her story. If money and publicity were what M.D. sought, rather than justice, surely she would have received payment (or any consideration at all) for the rights to her story. The reality is, as much as the State would like it to be, M.D.'s insistence that Mr. Lincoln be released is about doing "the fucking right thing." Ex. 35 at 25. M.D. is now under no contract with any television show; the very contract she testified to has lapsed. Instead, she has appeared in the only place where it matters—in court, to beg for justice for both her and Mr. Lincoln's families.

The State also asserts that M.D. is a liar because a producer for Crime Watch Daily blatantly told a mistruth to the prison to obtain M.D.'s entrance "and further the show's objectives." Response at 18. Yet, the evidence the State relies on shows that it was Ron Zimmerman, not M.D., who is the liar. *See* Resp. Ex. 17. The entire idea to hide her identity to surprise Mr. Lincoln was Zimmerman's idea. H.T. 3/17/16 at 86. It was Zimmerman who listed M.D. as a crewmember. Resp. Ex. 17. Although M.D. went along with Zimmerman's ruse, she admits it was a "terrible" idea, a "lapse of judgment," H.T. 3/18/16 at 30, and she would not do it again. H.T. 3/17/16 at 88.

All of the State's arguments ignore the tremendous strength and courage it took for M.D. to retract her identification. The consequences of her actions have been anything but easy. But like it did when M.D. originally told police who committed the crime, the State ignores her. M.D. testified at the evidentiary hearing that the experience of coming forward and acknowledging that Mr. Lincoln was not the perpetrator has been "Horrible, humiliating, degrading, humbling because I was wrong and I had to admit it." H.T. 3/17/16 at 67. It has been "embarrassing," *id.*, and M.D. has received "hate mail." *Id.* at 67-68. She read from a message she received from a friend:



Ex. 48. M.D. has lost friends and there has been significant backlash:

> The people I trusted and loved have turned on me. Because I am no longer sitting a purpose and that hurts because I've known them all my life. I still love them, though. I just really - - I feel really alone.

H.T. 3/17/16 at 89. As a result, M.D. has been seeing a therapist. She "felt a lot of backlash after [she] came forward. . . the last four or five months have been pretty horrible. [She has] a lot of guilt." *Id*. at 70.

Testimony from M.D.'s cousin Jacqueline Barton corroborates this experience:

> A. I would love to be able to tell you that colors are blooming everywhere and flowers are popping up and it's our time to smile but there actually haven't been because she's been carrying freaking guilt about locking a man away for over 30 years who hasn't even seen his grandchildren yet, who's never met them. She has to carry that and she won't let it go because she can't give him back those 30 years.
>
> Q. Has it been difficult for her?
>
> A. It's been difficult for her. It's been difficult to watch. And you try to tell her you're doing the right thing now, but when you've stolen, or you feel like you have stolen 30 years from somebody's life, how do you just get over that? You don't.

H.T. 3/18/16 at 59. The idea that anything short of the truth would bring M.D. to recant her identification is debasing. The results of coming forward have been life-altering. And yet M.D. has not wavered, testifying at the hearing that Rodney Lincoln "should have been released yesterday." H.T. 3/18/16 at 42.

The intense pressure M.D. felt to keep in line with the State's story made coming forward all the more difficult. From her time as a young girl, M.D. has

always desired to please the State. She testified that the detectives "were like dads" to her, they had barbecues and took her to dinner and ice cream. H.T. 3/17/16 at 38. "They were like a part of who [she was]." *Id.* M.D. wanted to "make them happy" and to "please them." *Id.* She always felt like if she said anything else, "if [she] ever said, oh, I don't know if Rodney was the right guy," she'd be "letting a lot of people down." *Id.* at 23. She would have let down "Joe Burgoon, Ed Postawko, all the people that work in the judicial system, and my family." *Id.* at 23. And she knew how critical her role was in the conviction of Mr. Lincoln—that she alone was the voice for all the victims. She testified "I was told it was my responsibility to help keep the bad guy in prison or get him in prison. I knew it was my job to tell because my sister couldn't talk, and my mom was dead." *Id.* at 21-22.

Indeed, there were many consequences incentivizing M.D. not to come forward. Beyond the pressure and guilt and shame, she was "scared of retribution" from "Ed Postawko, the people in the judicial system." *Id.* at 24. That fear is justified: Every response to Mr. Lincoln's petitions filed by the State has been an attack on M.D. At the hearing, M.D. testified that she "read the State's response and I was hurt. I was hurt by what they said." *Id.* at 90. It is no wonder. After years of building M.D. up, of placing the burden of a conviction on her shoulders all in the name of justice for her family and her mother, the State has turned on her.

D. The State Misconstrues M.D.'s Original Identification.

In its unending effort to discredit the witness it built its case upon, the State further misconstrues M.D.'s testimony and the timeline of events leading up to M.D.'s original identification reflected in the police reports. Respondent first argues that M.D.'s testimony that Rodney Lincoln was not the killer is incredible because she does not remember every time she was checked out of the hospital by police as a young girl. *See* Response at 20. According to Respondent, M.D. is unreliable because she only remembers being taken from the hospital to visit parks on one occasion, while records reflect another trip also occurred. Having learned nothing from its misguided attempt to infer a unique match from microscopic hair comparison, the State now attempts to draw similar, non-scientific conclusions from common playground equipment. According to the State:

> What the record reflects really happened was that the police took the victim around the city to look for a park with very specific playground equipment that the victim identified as being across the street from the unknown killer's home. And they did this before Lincoln was a suspect in the case. But the victim's recollection, reflected in her direct testimony at the hearing, had the police taking her from the hospital only to confirm the playground equipment across from Lincoln's house. She had forgotten what really happened.

Response at 20.

However, this misconstrues both M.D.'s testimony and what the documents reflect. At the evidentiary hearing, M.D. testified that she was checked out of the hospital, "Twice that I can remember." H.T. 3/17/16 at 39. The first instance she

can recall, she was checked out to visit with a sketch artist. *Id*. The second was to view a park by Mr. Lincoln's home, which police identified after his arrest. M.D. recalls, "We went out, they wanted to make sure I could confirm what I told them about what happened. And that is there was a park by his house and they wanted to make sure I remember, which supposedly I did, so. . . ." *Id*. Nowhere did M.D. state that she was only checked out of the hospital twice. Indeed, she was clear to clarify for the court what she could and could not remember, none of which is a surprise given the 34 years that have passed.

Further, police reports clarify that M.D. was checked out of the hospital on three occasions—once to visit the sketch artist, and twice to look at parks. The first time M.D. was taken to look at parks, they were unsuccessful. Records reflect that M.D. told police on May 4, 1982 that the perpetrator lived across the street from a park with "swings with horses, monkey bars, and a merry-go-round." Ex. 8 at 33. On May 6, investigators began looking for parks that matched that description. *Id.* at 36. On May 11, investigators took the girls to visit bridges and parks. *Id*. at 36-37. The girls viewed parks in Madison and Granite City that matched M.D.'s description; they did not identify any of them. *Id*. The children viewed no other parks until after Mr. Lincoln was arrested on May 23. On that day, detectives first presented M.D. with the suggestive photo lineup before 2:00 p.m., *id*. at 40, performed an equally flawed show-up lineup at 3:30 p.m. (where, notably, R.T. did

not make an identification), *id*. at 41, and then took the girls to a park near Lincoln's house that detectives had already pre-determined matched the description provided by M.D. *Id.* at 42-43. M.D. told detectives the park "looked like" the park they had visited. *Id*. at 43. This is entirely consistent with what M.D. does remember—that police were trying to make her confirm her already coaxed identification. Nothing about a grown woman not remembering the precise number of times she was removed from the hospital as a young girl calls into doubt her credibility. On the contrary, M.D.'s testimony reflects that she is honest about what she does remember, and that those memories are consistent with the records.

II. Mr. Lincoln's Claims Are Not Procedurally Barred.

Rather than sift carefully through the evidence to find the truth and follow the law, Respondent's counsel selectively parses the record for anything that supports his argument, no matter how specious or slanderous to the victim. Respondent's approach is not only legally and factually flawed, it ignores the "concern about the injustice that results from the conviction of an innocent person [that] has long been at the core of our criminal justice system." *Schlup v. Delo*, 513 U.S. 298, 325 (1995).

Mr. Lincoln's innocence plays two roles in this case. First, under Missouri law, if the evidence (or lack thereof) makes a "clear and convincing case" that Mr. Lincoln is innocent, habeas corpus relief must be granted even if he had a fair trial.

State ex rel. Amrine v. Roper, 102 S.W.3d 541, 543 (Mo. banc 2003). Second, if the evidence shows "a constitutional violation has probably resulted in the conviction of one who is actually innocent," this Court must determine whether Mr. Lincoln had a fair trial, even if his claims are otherwise procedurally barred. *Clay v. Dormire*, 37 S.W.3d 214, 217 (Mo. banc 2000), citing *Murray v. Carrier*, 477 U.S. 478, 496 (1986), and *Schlup v. Delo, supra*. In similar cases, this Court has opted to examine the lower standard first, since "[t]he effect of the writ of habeas corpus will be the same whether one or several grounds for its issuance are determined by this court" to justify habeas corpus relief. *State ex rel. Koster v. McElwain*, 340 S.W.3d 221, 232 (Mo. App. WD 2011). Therefore this reply will examine Respondent's arguments in the light of those standards, starting with the *Schlup* actual innocence standard.

A. Mr. Lincoln's Evidence Meets The *Schlup* Actual Innocence Standard.

Respondent's perspective is not that of a reasonable juror. Trashing the victim is not a legally appropriate response to legal questions presented by M.D.'s well-corroborated retraction of her identification of Rodney Lincoln. The *Schlup* standard regards innocence as "the ultimate equity on the prisoner's side," *Schlup v. Delo, supra* at 342 (O'Connor, J., concurring), because neither society nor crime victims are served by the incarceration of an innocent person. Therefore, the Court carefully crafted a truth-seeking standard respectful of the critical role that juries

play in our system of justice. The inquiry into *Schlup's* actual innocence gateway "does not turn on discrete findings regarding disputed points of fact, and '[i]t is not the district court's independent judgment as to whether reasonable doubt exists that the standard addresses.'" *House v. Bell*, 547 U.S. 518, 539-40 (2006), quoting *Schlup*, at 329. Instead, courts must "apply *Schlup*'s predictive standard regarding whether reasonable jurors would have reasonable doubt." *House v. Bell, supra,* at 540. In other words, this Court must determine what a reasonable jury would decide at a retrial based on all the evidence now available. The odds that Mr. Lincoln would be convicted again are astronomical; it took two trials to convict him on the false and incomplete evidence that Respondent clings to.

The reasoning that Respondent advocated in the court below and now urges on this Court is antagonistic to the ends of justice because it makes no attempt to view all the evidence through the eyes of a fair and impartial juror. Under *Schlup,* "the habeas court must consider what reasonable triers of fact are likely to do." 513 U.S. at 330. In applying this standard, "[i]t must be presumed that a reasonable juror would consider fairly all of the evidence presented. It must also be presumed that such a juror would conscientiously obey the instructions of the trial court requiring proof beyond a reasonable doubt." *Id.* In short, the *Schlup* standard "focuses the inquiry on the likely behavior of jurors." *Id.* at 333 (O'Connor, J.,

concurring). The only proper question is what would a fully-informed juror do, yet Respondent and the court below never even addressed it.

It is difficult to imagine any reasonable juror would find Mr. Lincoln guilty after hearing all the evidence, including M.D.'s retraction of her identification of Mr. Lincoln, her explanations for it, the testimony of her family substantiating her retraction, the suggestive identification procedures used by police detectives, the newly discovered evidence suppressed by the prosecution, and the DNA evidence excluding Mr. Lincoln as the source of any evidence at the scene of the crime. Under the *Schlup* actual innocence standard, Respondent's skepticism and aspersions on M.D.'s character are not enough to carry the day.

In addition to its failure to examine the evidence from the viewpoint of a reasonable juror, Respondent's argument fails to examine all the evidence now available. "The habeas court must make its determination concerning the petitioner's innocence 'in light of all the evidence, including that alleged to have been illegally admitted (but with due regard to any unreliability of it) and evidence tenably claimed to have been wrongly excluded or to have become available only after the trial." *Schlup* at 328. The Court later emphasized, "the *Schlup* inquiry, we repeat, requires a holistic judgment about '*all the evidence*,' and its likely effect on reasonable jurors applying the reasonable-doubt standard." *House v. Bell*, 547 U.S. 518, 539 (2006). Respondent's argument should be pronounced dead on arrival in

this Court because it entirely fails to acknowledge important portions of the evidence, including:

- DNA evidence excluding Mr. Lincoln as the source of the hair that was used at trial to corroborate M.D.'s testimony. *See* Petition 2, 4, 7, 12-13, 59, 61, 62-76;
- Evidence withheld by the State that M.D. and her sister thought that other men, including prosecuting attorney Joe Bauer, were "the bad man" who attacked her family. *See* Petition 32-33;
- Evidence withheld by the State that M.D.'s trial testimony was rehearsed half a dozen times, and included pointing out to her which chair would be assigned to Mr. Lincoln at trial. *See* Petition 82-85;
- The suggestive procedures used to manipulate young M.D.'s in-court and out-of-court identification of Mr. Lincoln. *See* Petition 9-11, 19-20, 39;
- Mr. Lincoln's plausible alibi defense supported by his family and his employer. *See* Petition 13-14;
- Conclusive proof that trial testimony of a criminalist that a hair found at the scene of the crime "matched" Mr. Lincoln is false. *See* Petition 62-76.

Neither Respondent nor the court below bothered to address the above facts which strongly support Mr. Lincoln's innocence. Although Respondent relies heavily on the circuit court's rejection of M.D.'s recantation, that finding is entitled to no

deference in this Court because that court, at Respondent's urging, failed to account for any of the above evidence in spite of its legal obligation to do so. "It is a paradigmatic abuse of discretion for a court to base its judgment on an erroneous view of the law." *Schlup*, at 333 (O'Connor, J., concurring).[6]

Thus, because Mr. Lincoln makes a colorable showing of actual innocence, this Court should reach the merits of Mr. Lincoln's Claims 2, 3 and 4, regardless of any procedural barriers that would otherwise apply. *Clay v. Dormire*, 37 S.W.3d 214, 217 (Mo. banc 2000), citing *Murray v. Carrier*, 477 U.S. 478, 496 (1986), and *Schlup v. Delo, supra*

B. Mr. Lincoln's Innocence Meets The *Amrine* Standard.

Mr. Lincoln's showing of actual innocence under the *Schlup* standard makes a compelling showing that he is entitled to relief under *State ex rel. Amrine v. Roper, supra.* As this Court noted in *State ex rel. Koster v. McElwain*, *supra*, it need not reach this issue if it finds that Mr. Lincoln is entitled to a new trial under

[6] The United States Supreme Court has long recognized that wholesale adoption of one side's factual findings and legal conclusions, even in ordinary civil litigation, raises due process concerns. *See, e.g., Anderson v. City of Bessemer*, 470 U.S. 564, 571 (1985) ("The court rejected petitioner's contention that the procedure followed by the trial judge in this case was proper because the judge had given respondent an opportunity to object to the proposed findings and had not adopted petitioner's findings verbatim."); *see also United States v. El Paso Natural Gas Co.*, 376 U.S. 651, 656-657 (1964); *United States v. Marine Bancorporation*, 418 U.S. 602, 615, n. 13 (1974). Currently, the Supreme Court is considering certiorari in *Hamm v. Allen*, No. 15-8753 (Mar. 24, 2016), a capital case wherein the court signed the State's Proposed Order within one day of receiving it without even removing the word "Proposed."

Claims 2, 3 or 4. Respondent did not address this issue separately, but simply alleged that because Mr. Lincoln "does not meet the standard for gateway actual innocence, he necessarily also does not meet the higher standard for showing a claim of freestanding actual innocence that entitles him to discharge from confinement." Response at 8. In so doing, Respondent fails to acknowledge important parallels between Mr. Lincoln's case and Mr. Amrine's. In each case, the court was faced with recantations that, if true, eviscerated the prosecution's case. The *Amrine* court was unanimous that Amrine was entitled to relief on a free-standing claim of innocence, but divided on what form the relief should take. The prevailing view was that Amrine should get a new trial, without a hearing on his habeas claim, because "[t]his case thus presents the rare circumstance in which no credible evidence remains from the first trial to support the conviction." *State ex rel. Amrine v. Roper, supra* at 548. Judge Wolff explained the court's decision to grant a new trial without a habeas hearing:

> The remedy chosen in the principal opinion seems more suitable, because if there is a credibility determination to be made, it will be made by a jury. There is no physical evidence linking Amrine to the murder. The correctional officer, Officer Noble, identified another man as the killer, and six inmates testified that Amrine was playing cards in another part of the recreation room when the attack occurred.

Id. at 550 (Wolff, J., concurring). Similarly, no physical evidence links Mr. Lincoln to the crime, the sole witness identifies Tommy Sells as the killer, and Mr. Lincoln's family and employer verify that he was at home then went to work when

the crime occurred. Under such circumstances, the court decided, "The state, not Amrine, should have the burden of persuasion." *Id.*

Because Mr. Lincoln is actually innocent of the crime, this Court should issue the writ of habeas corpus discharging him from his conviction and sentence.

C. Mr. Lincoln's Additional Claims Are Not Procedurally Barred.

As explained above, this Court may reach Claim 2, 3, and 4 of Mr. Lincoln's petition because he has satisfied the *Schlup* standard of innocence. Moreover, should this Court grant relief under the *Amrine* standard, it need not reach Mr. Lincoln's additional claims. Regardless, this Court may also reach Mr. Lincoln's claims under the doctrines of cause and prejudice and newly discovered evidence.

Respondent argues that Mr. Lincoln's claim the erroneous hair testimony violated his right to due process is barred for not having been raised on direct appeal, Response at 25, even though at the time of Mr. Lincoln's trial and appeal courts would have turned a blind eye to his meritorious argument that microscopic hair testimony should be excluded from criminal trials. *See* Petition 62-65, citing *State v. White*, 81 S.W.3d 561 (Mo. App. W.D. 2002). However, Respondent makes no argument to assert how such a claim would be barred under cause-and-prejudice. As explained in Mr. Lincoln's petition, the United States Supreme Court held in *Reed v. Ross*, 468 U.S. 1, 16 (1984), that the cause-and-prejudice exception to procedural default rules applies to claims based on new developments in the

law. *See* Petition 64. Moreover, Respondent makes no effort to respond to the newly available evidence from the Department of Justice and Federal Bureau of Investigations thoroughly repudiating such evidence. *See* Petition 69-76. Instead, the State uses the analyst's flawed testimony to support the argument that it is not flawed testimony, stating that even though Mr. Messler said the hair "matched" Mr. Lincoln, he himself admitted that he should not be able to make such an argument. Response at 27, citing T. 718 ("When asked if he could tell that a particular hair came from a particular person, Mr. Messler said, 'Not usually, no…it's not very common at all.'") This only furthers Mr. Lincoln's claim.

Similarly, there is no merit to Respondent's bare allegation that Mr. Lincoln's claim is procedurally defaulted. Response at 29. Respondent's reliance on *State v. Wise*, 879 S.W.2d 494 (Mo. 1994), has no similarity to Mr. Lincoln's case because the prosecutor in *Wise* spontaneously disclosed possible *Brady* material and moved for a hearing prior to the direct appeal. Mr. Lincoln had no such opportunity. Further, since *O'Neal v. Bowersox*, 73 F.3d 169 (8th Cir. 1995)[7], the Supreme Court has clarified a habeas petitioner's duty of diligence, holding that unless the prisoner is on notice of the underlying facts, there is no lack of

[7] Notably, Mr. O'Neal was Schlup's co-defendant. Respondent points to Mr. O'Neal's case as a reason to deny Mr. Lincoln's Brady claim, stating that while Mr. O'Neal "did not have cause to excuse default of [his] *Brady* claim," his "co-defendant was able to obtain the factual basis of the claim in time to present in a timely manner." Response at 30. This is deceptive. Schlup's claim was not timely, but he met the innocence (now known as *Schlup*) standard, which overcame any procedural default.

diligence in his failure to investigate the claim. *Williams v. Taylor,* 529 U.S. 420, 434 (2000). Thus, a habeas petitioner was able to show cause to present a *Brady* claim in a habeas corpus petition under Rule 91 where "no indication that the State ever informed the defense" about the exculpatory evidence in question. *State ex rel. Clemons v. Larkins*, 475 S.W.3d 60 (Mo. banc 2015). Respondent points to no evidence which would have put a reasonable attorney on notice that exculpatory evidence was contained in the DFS records. *Id.* Therefore, there is no procedural default.

The State further asserts that Mr. Lincoln's *Brady* claim is "without legal merit" because DFS was "not assisting the prosecutor in the investigation." Response at 30. In asserting this, Respondent provides no rebuttal to the mountains of evidence presented in Mr. Lincoln's petition to the role DFS staff played in preparing the victims for trial and feeding information to the prosecution. *See* Petition 77-96.

Finally, Respondent's attacks on Mr. Lincoln's ineffective assistance of counsel claims carry no weight. As explained above, this Court may reach any otherwise defaulted claim under the *Schlup* innocence standard and cause-and-prejudice standard.

CONCLUSION

In his Response, Respondent gets just one fact correct: "Under these circumstances the victim's memory close to the time of the killing is more reliable than her memory now. . . ." Response at 16. From the beginning, M.D. has consistently identified the perpetrator as "Bill," T. 402, 512, 786-788, elaborating that he came from Hollywood, Ex. 8 at 26, had driven a yellow cab, but now drove a white Volkswagen and lived in Illinois with his drunk mother, T. 355, 513-14; Ex. 8 at 33, "had black hair all the way to his ears," T. 515; Ex. 8 at 33; and had been to their apartment three days before to fix her mom's car. T. 516, 402. Just as she knew then and recognizes now, none of these descriptions fit Rodney Lincoln. M.D.'s recantation of her coached identification is credible. Because Mr. Lincoln is innocent and no evidence exists connecting him to the crime, counsel for Mr. Lincoln respectfully pray that this Court issue the writ of habeas corpus discharging Mr. Lincoln from his unconstitutional conviction and sentence and grant such further relief at the Court deems just and equitable.

Respectfully submitted,

_/s/_*Tricia J. Bushnell*_____
Tricia J. Bushnell, #66818
Midwest Innocence Project
605 W. 47th Street, #222
Kansas City, MO 64112
(816) 221-2166/(888) 446-3287(fax)
tbushnell@themip.org

_/s/_*Sean D. O'Brien*_____
Sean D. O'Brien #30116
UMKC School of Law
500 E. 52nd Street
Kansas City, MO 64110
816-235-6152/816-235-5276 (fax)
obriensd@umkc.edu

CERTIFICATE REGARDING SERVICE

I hereby certify that it is my belief and understanding that counsel for Respondent, Jay Cassaday and Missouri Attorney General Chris Koster are participants in the Court's e-filing program and that separate service of the foregoing document is not required beyond the Notification of Electronic Filing to be forwarded on August 1, 2016 upon the filing of the foregoing document.

/s/ *Tricia J. Bushnell*
TRICIA J. BUSHNELL