



MIDWEST
INNOCENCE
PROJECT

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Rodney Lincoln Freed by Missouri Gov. Eric Greitens, But Not Exonerated

*Midwest Innocence Project client finally comes home after
nearly 36 years in prison for a 1982 murder he did not commit*

Kansas City, Mo. (June 1, 2018) – The [Midwest Innocence Project](#) (MIP), a not-for-profit corporation dedicated to the investigation, litigation and exoneration of wrongfully convicted men and women in five states, announces that long-time client **Rodney Lincoln** is a free man after his sentence was commuted this afternoon by exiting Gov. Eric Greitens.

“Mr. Lincoln walks out of prison a free and innocent man, whether the courts recognize it or not,” said Tricia Bushnell, MIP Executive Director. “This is a big step toward justice, but until his conviction is overturned, justice is yet again denied.”

In December 2016, the MIP announced the submission of a petition by M.D.*—the remaining surviving victim of a 1982 murder—for a pardon or executive commutation of Lincoln’s sentence by then Gov. Jay Nixon, who declined to act before he left office. Today, Gov. Greitens reviewed that same application and made the decision to commute Lincoln’s sentence to “time served.”

Lincoln served almost 36 years in prison for the 1982 murder of JoAnn Tate and the assault of her two young daughters, M.D. and R.T.* and consistently maintained his innocence. After Lincoln’s first trial resulted in a hung jury, he was convicted in a second trial after the City of St. Louis presented evidence of then seven-year-old M.D.’s identification and a hair found at the crime scene, which the prosecutor said “matched” Lincoln’s. DNA testing of the hair later proved it was not Lincoln’s, M.D. then recanted her identification and additional new evidence established that the identification by M.D. was manipulated by the state.

“Mr. Lincoln’s innocence has been repeatedly rebuffed by the courts,” said Sean O'Brien, founder of the MIP and professor at the University of Missouri (Kansas City) School of Law. “This is way harder than it ever should be for someone who is so clearly innocent.”

After an evidentiary hearing on March 17-18, 2016 in Cole County (Mo.), Circuit Judge Daniel Green denied Lincoln’s petition for habeas relief on June 16, 2016, four months after the hearing. The MIP then filed a motion for the transfer of Lincoln’s case to the Supreme Court of the State of Missouri in December 2016, after the Missouri Court of Appeals (Western District) denied a motion to rehear or transfer the case.

“Because the Missouri Supreme Court has not recognized a freestanding claim of actual innocence in cases where the death penalty has not been imposed, we are not at liberty to expand Missouri habeas jurisprudence to permit consideration of the claim in this case,” Appellate Judge Cynthia L. Martin wrote in the court’s ruling.

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The Missouri Supreme Court also denied transfer, meaning that the Western District’s ruling stood.

Lincoln has been represented by the Midwest Innocence Project since 2010. Tricia Bushnell and the MIP legal team of Rachel Wester, Summer Farrar, Leigh Ann Carroll, and Nesanet Temesghen, along with Sean O’Brien and law students at the University of Missouri (Kansas City) School of Law, fought diligently for Lincoln’s freedom. For those interested in supporting the MIP, please donate at 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 themip.org.

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