

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

RODNEY LEE LINCOLN,)	No. ED100987
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	
STATE OF MISSOURI,)	Hon. Robin R. Vannoy
)	
Respondent.)	FILED: December 2, 2014

Rodney Lee Lincoln (“Movant”) appeals from the judgment of the motion court that denied his Amended Motion for Release pursuant to section 547.037 RSMo (Cum. Supp. 2004). He contends that the motion court clearly erred in denying his Amended Motion for Release because DNA testing showed that the expert hair comparison evidence at his trial was false and that he was more likely than not to be innocent. He also argues that the State should be estopped from asserting what he claims is a new theory of the case that is factually inconsistent with the State’s theory presented to the jury at his trial.

AFFIRMED.

DIVISION ONE HOLDS:

(1) The DNA testing evidence excluded Movant as the source of the pubic hair found on the blanket and discredited the expert testimony that such hair was consistent with and a “match” for Movant’s pubic hair sample, but it did not demonstrate his innocence of the crimes for which he was convicted by a preponderance of the evidence. The testimony and eyewitness identification of Movant as the perpetrator of the crimes by one of the victims, M.D., was the lynchpin of the convictions. While the State introduced the discredited hair evidence, it did not assertively and repetitively use that physical evidence as affirmative proof of Movant’s guilt, and defense counsel effectively cross-examined the experts about the limits of hair comparison evidence.

(2) The State’s theory of the crime and facts at the evidentiary hearing was consistent with the theory that it presented at trial, namely that Movant killed Joanne Tate and assaulted M.D. and R.T.

Opinion by: Clifford H. Ahrens, Judge
Norton, J., concur.

Lawrence E. Mooney, J., and Glenn A.

Attorney for Appellant: Laura O’Sullivan

Attorney for Respondent: Edmund Postawko

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