



NEWS RELEASE
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FOR IMMEDIATE RELEASE

RIVERA FOUND GUILTY OF RAPE IN THE FIRST DEGREE IN CONNECTION WITH
APRIL 2017 MISSING PERSON INVESTIGATION

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announces that Jose Neptali Rivera, 31, of Springfield, Missouri was convicted yesterday by a Greene County judge of rape in the first degree.

The evidence at trial was that in April 2017, the Greene County Sheriff's Office responded to a call regarding a missing vulnerable adult. The victim was a twenty-year old woman but was considered a critical missing person because she suffered from an intellectual disability and developmental disorder. After approximately three days, the victim was recovered at a nearby trailer in the company of three men – the defendant, Jose Rivera, Helmer Erazo, and Luis Lopez-Lara. The victim reported that she had left her home on her own but eventually ended up in the trailer where she had been assaulted. Throughout the investigation, many of the investigators had difficulty communicating effectively with the victim and she was ultimately interviewed at the Child Advocacy Center by a trained forensic interviewer. At that time, the victim was able to provide further details about what happened to her but she could not identify any of the three men in the trailer as she did not know their names and could only provide descriptions of them based on their hairstyles and clothing. During her initial interview, the victim did not initially identify the defendant as one of the people who had assaulted her and noted that he was her "friend" as he tried to warn her away from the trailer. DNA analysis on a condom found in the trailer later demonstrated that the defendant had sexual intercourse with the victim.

Ultimately, at trial, the victim testified that, while she was in the trailer, she had been physically and sexually assaulted and indicated that all three men had assaulted her. The court also heard from the victim's psychiatrist who testified that the victim had

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an intellectual disability that caused the victim to have an intellectual capacity of a child of approximately nine years old and that the victim's developmental disorder caused her to function and communicate at a much lower level. Following this incident, the victim was also diagnosed with post-traumatic stress disorder and depression which caused further issues with being able to communicate with the victim and, specifically, made it difficult to communicate with her about the events in April 2017. At trial, the defendant testified that he did have sexual intercourse with the victim but that it was consensual and he did not know that the victim was intellectually disabled. The State argued that, while the victim did not have any outward signs of disability, it was clear to the defendant and anyone interacting with her that it was obvious she was incapable of consent due to her disabilities. The State also pointed out that the definition of consent was designed to protect the vulnerable adult population in that it includes the language that assent did not constitute consent if it is given by someone who clearly does not have the mental capacity to consent.

Erazo and Lopez-Lara were also charged in connection with the April 2017 incident. However, both were found not guilty by a different Greene County judge in a previous bench trial held in February 2019.

The defendant is subject to a sentence of five years to life in prison as a result of his conviction for rape in the first degree. He is not eligible for probation. Judge Mountjoy set a sentencing hearing for December 18, 2020 at 2:15PM following a sentencing assessment report by the Department of Probation and Parole.

This case is being prosecuted by Assistant Prosecuting Attorneys Stephanie Wan and Paul Rebar. It was investigated by the Greene County Sheriff's Office and Detective David Schroeder was the lead investigator assigned to the case.

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