



NEWS RELEASE
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FOR IMMEDIATE RELEASE

AFTER FINDING MAN GUILTY OF RAPE AND SODOMY,
JUDGE ALLOWS DEFENDANT TO AVOID CONVICTION

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announces that the Honorable Calvin Holden heard sentencing arguments today after finding David T. Gonzales, 23, of Springfield, Missouri, guilty of rape in the second degree, sodomy in the second degree, and sexual abuse in the second degree following a July 20, 2020 bench trial. Rather than sentencing Gonzales, however, the Judge suspended the imposition sentence for each offense. This disposition places the defendant on probation for a period of five years and affords the defendant the opportunity to avoid a record of conviction.

The facts at trial were that the victim and Gonzales were previously in an intimate relationship that ended in November of 2017. On the evening of January 8, 2018, Gonzales was intoxicated and went to the victim's home. While inside the home, Gonzales began making sexual advances and the victim told him at least five times that she did not want to have sexual contact while pulling away from him. The victim broke down crying and experienced a panic attack. Gonzales initially comforted her but then laid on top of her and told her, "let it happen." At that point, the victim quit resisting and froze while Gonzales proceeded to rape her. The Defendant later acknowledged to the detective that during the intercourse the victim did not move and froze emotionally.

Contrary to the myth that sexual assault victims will always fight, flee, or call out for help during a sexual assault, Prosecuting Attorney Dan Patterson explains that when a victim's efforts to refuse consent fail and a sexual assault appears imminent, it is not uncommon for a sexual assault victim to involuntarily respond to that traumatic event by freezing and that such a response is prompted by the victim's brain attempting to protect the victim from the trauma.

Subject: Greene County Prosecuting Attorney Press Release, State v. Gonzales, 1831-CR06022

The evidence at trial also showed that after the sexual assault, Gonzales admitted to acquaintances that he sexually assaulted the victim. One of these confessions was audio recorded during a telephone conversation with the victim in which Gonzales apologized and stated, "I raped you."

At Gonzales's sentencing hearing, Assistant Prosecutor John Herries highlighted the evidence and argued for the court to sentence Gonzales to the Missouri Department of Corrections. APA Herries also expressed concern that this is now the third accusation of sexual misbehavior perpetrated by Gonzales against three separate victims – the other two allegations involve an incident that occurred out of state and an incident that was not referred for prosecution. APA Herries further argued that the trauma the defendant caused to the victim called for more than probation and that the defense request for a suspended imposition of sentence was "offensive."

In addition, APA Herries also pointed out Gonzales' victim blaming statements in the sentencing assessment report in which the defendant called the victim "manipulative," and stated she "does not forgive easily," and that she was "constantly yelling/berating". Gonzales further called the incident a "mistake," stated he felt the victim felt some "regret afterwards," and suggested that she made these claims in retaliation for the defendant dating someone new.

The victim provided a victim impact statement describing the isolation she felt after the defendant sexually assaulted her, how she hid from others, and how she no longer had trust for anyone who came into her life and was unable to form healthy connections with others.

Despite all of the arguments, the victim impact statement, and the evidence at trial, Judge Holden suspended the imposition of sentence for all three offenses, which could allow the defendant to keep the convictions off of his record following his probationary period.

This case was prosecuted by Assistant Prosecuting Attorney Dara Lindsay and John Herries. It was investigated by the Springfield Police Department and Detective David Kenyon was the lead investigator assigned to the case.

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