

Maryville Rape Case Could Reopen

<http://www.kttm.com/kgozfm/modules/news/article.php?storyid=110347>

Maryville Rape Case Could Reopen **News**

Posted by : Randy

Posted on : 2013/10/17 4:40:00

According to the [St. Joseph News Press](#), Nodaway County's prosecuting attorney announced Wednesday that he has requested the appointment of a special prosecutor to review an alleged 2012 sexual assault case that has received international attention this week.



With the Nodaway County Courthouse in the backdrop, Robert Rice said in a prepared statement that he made the decision after seeing the case's witnesses, the alleged victims and their mothers, say in a CNN interview that they were willing to testify.

“Until that interview, those witnesses never contacted me to say that they changed their minds to testify in court after invoking their Fifth Amendment privilege under oath in a deposition,” the statement read.

While Mr. Rice could not give a timeline for the next step, he said a circuit court judge would appoint a special prosecutor to review the case and make a decision about whether to refile charges.

Mr. Rice said he dropped the original charges after the witnesses, Daisy Coleman and Paige Parkhurst and their mothers, invoked those privileges, a point that has been in dispute.

The case stems from a January 2012 incident where Daisy, then 14, said she was raped by Matthew Barnett, who was 17 at the time, and left drunk on her porch in freezing temperatures.

She reported the incident to police along with the then-13-year-old Paige, who also said she was raped that night.

Mr. Barnett and an unidentified 15-year-old were arrested a day later, each on a count of sexual assault, along with Jordan Zech, 17, who allegedly recorded the assault on his phone. The 15-year-old was convicted in juvenile court, but charges against Mr. Barnett and Mr. Zech were dropped.

On Sunday, The Kansas City Star reported the Colemans' story in an article that went viral. In it, they say they were driven out of town by Maryville residents and also claimed the charges were dropped because Mr. Barnett is the grandson of former state Rep. Rex Barnett.

While Mr. Rice declined to answer some questions about the deposition and said he could not release it because the record is sealed, he said the witnesses could not have misunderstood that by invoking the privilege, he would be unable to prosecute the case, even with confessions.

He said the deposition process involves a series of deliberate, drawn-out questions to ensure that the process was voluntary and that the witnesses would know the consequences of making the decision.

Another topic raised in the press conference was the existence of a video of the alleged sexual assault. Mr. Rice said the sheriff's office sent the phone to a regional law enforcement forensics

Maryville Rape Case Could Reopen

<http://www.kttn.com/kgozfm/modules/news/article.php?storyid=110347>

lab that was unable to retrieve a video. He said it was deleted and could not be salvaged, and no others had come forward with copies of it.

Mr. Rice also said The Star's article raised insinuations about the dropped charges that were "absolute crap" and that it drug his name through the mud.

"The assertion was made based off of rumor and I don't care one bit that I spent my entire life trying to work as hard as I can to do the right thing all the time and that someone can throw out a couple of baseless rumors that makes everyone think that I'm a crook," he said. "I'll tell you what, it makes me mad. It's not true, it never was true."

Still, he said he has no regrets in his handling of the case.

"I made the call at the time with the evidence that I had," he said. "I was aggressive making that call, but as the facts played at the time, I made the best decision that I could and I don't regret that."

In a press conference following the county's, City Manager Greg McDanel said the city's officials support Mr. Rice's decision. Mr. McDanel also sought to distance the city from the county when it comes to criticisms about the case's handling.

"It has been a misconception that the City of Maryville, Maryville Public Safety ... were involved in the investigation," he said. "The City of Maryville was not involved in any way whatsoever from the beginning of the investigation until today."

Along with the attention the city has received, Mr. McDanel said the city has received a high volume of threats and negative attention.

He declined to comment on the nature of the threats, but said the police department is on high alert and has beefed up its presence. He said the department is aware of the planned peaceful protest set for 10 a.m. Oct. 22 at the courthouse.

"Public Safety has been on alert, and has been made aware of all threats that have been made against the community," he said. "We will increase patrols and again, we'll do everything in our power to protect our citizens."