



NEWS RELEASE

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FOR IMMEDIATE RELEASE

Repeat Domestic Violence Offender Sentenced to Prison

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announces that Brandon Joe Porter, 32, of Springfield, a prior and persistent felon, with a prior domestic violence conviction, was sentenced to the Missouri Department of Corrections today on three counts of domestic assault and one count of tampering with an automobile by the Honorable Calvin Holden following a one day bench trial on May 26th.

Mr. Patterson stated this case illustrates the difficulty prosecutors have in overcoming the misconception that domestic violence is a personal or family problem that should only be prosecuted if the victim wishes to go forward with prosecution. In reality, he said, “it is public safety and public health issue that affects our entire community.”

At the conclusion of the trial, Judge Holden, after having found the defendant to be a persistent felony offender with a prior robbery and prior felony domestic violence conviction, stated to the Assistant Prosecuting Attorney handling the case,

“Now, we spent about 2 1/2 hours on this case with a victim who -- was very obvious -- did not want her ex-husband or the father of her children to be prosecuted. This is a continuing pattern by the prosecutor's office to go ahead and force these cases. Even though I found him guilty, you know, sometimes your office may need to look and talk with victims and take their wishes into consideration before you pursue these. But you guys make your discretionary calls, and we'll make our discretionary calls.”

Subject: Greene County Prosecuting Attorney Press Release, State v. Porter, 1531-CR03504-01

After learning of this statement by the Court, Prosecutor Patterson explained that the goal of the Greene County Prosecutor's Office is to prosecute domestic violence cases in accordance with national best practices. He further explained that pursuant to Missouri Victim Rights laws it is the policy of the Greene County Prosecuting Attorney's Office to confer with and consider the input of victims with regard to the prosecution and disposition of cases. The decision to prosecute, however, ultimately lies with the State. When domestic violence victims do not participate in the criminal process, the Greene County Prosecutor's Office evaluates the case for evidence based prosecution without the testimony of the victim as a best practice to hold batterers accountable. At the same time, Greene County Prosecutors and Victim Advocates attempt to assist both willing and unwilling victims with safety planning and referrals to community resources to assist them in ending their abuse.

In this particular case, Mr. Patterson noted that, "as in many domestic violence prosecutions, the victim, who has children with the defendant, was originally reluctant to assist law enforcement, in part, because of her feelings for the defendant as the father of her children and, in part, because of the history of abuse she had endured at the hands of the defendant." Mr. Patterson further noted that at the time of trial, the victim in this case was cooperative but the evidence established that the defendant's public defender called the victim multiple times in the days leading up to the trial in an attempt to intimidate her about the court process so that she would not appear to testify – at one point, telling her they were playing witness chicken; at another point, suggesting to the victim that she should attempt to get a doctor's note to avoid testifying; and finally, suggesting she might have a panic attack on the way to court. Fortunately, these attempts failed and the victim bravely appeared and testified against her abuser.

At the conclusion of the bench trial, Judge Holden found the defendant guilty of two counts of the felony of domestic assault in the second degree for biting the victim and striking the victim in the head during an incident on June 7, 2015. The defendant was also found guilty of the felony of tampering with a motor vehicle in the first degree for using a landscaping stone to break out the window of the victim's van. The assault on June 7, 2015 occurred in the front yard of the residence in front of the couple's children. The defendant was also found guilty of the misdemeanor of domestic assault in the third degree for striking the victim in the face as she was driving her van on April 13, 2015.

Today, Assistant Prosecuting Attorney John Herries argued that the Court should sentence the defendant as a prior and persistent felon to fifteen years in the Department of Corrections and the defendant's public defender argued for probation. Porter was sentenced by The Honorable Calvin Holden to three concurrent eight year sentences in the Department of Corrections on the two felony domestic assault in the second degree counts and the tampering with an automobile in the first degree count and to a

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concurrent one year jail sentence on the misdemeanor domestic assault count.
Probation was denied.

**This case was prosecuted by Assistant Prosecuting Attorney John Herries.
It was investigated by the Springfield Police Dept. and Detective Kelly Patton was
the lead investigator assigned to the case.**

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