



NEWS RELEASE

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FOR IMMEDIATE RELEASE

MAN CONVICTED OF ATTEMPTED STATUTORY RAPE, ACQUITTED OF
ATTEMPTED RAPE, IN SEXUAL ASSAULT ON THE GREENWAYS TRAILS

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announces that Christopher Robert Muller, 24, of Republic, Missouri was convicted today by Judge Calvin Holden of the class D felony of attempted statutory rape in the second degree following a two day bench trial. Judge Holden acquitted Muller of higher, unclassified felony of attempted rape in the first degree. The charges were not alternative charges, but independent counts. Prosecutor Dan Patterson said he was disappointed in the acquittal of the forcible rape count because he believes that the evidence clearly supported convictions on both counts. Nevertheless, Prosecutor Patterson wishes to commend Scott Kohler, Ryan Armstrong, and Logan Stapp, for their quick thinking and bravery in this case because their intervention stopped a forcible rape, and their continued cooperation helped bring the defendant to some measure of justice.

At trial the three witnesses, Kohler, Armstrong, and Stapp, testified that they were walking the Greenway Trails on the evening of July 2, 2015, when they heard a woman screaming. Despite the fact that it was dark, the three men followed the sounds of the scream and located the defendant and the victim in a secluded area off to the side of the trail. All three witnesses testified that the defendant was mounted on top of the victim, the defendant was wearing only his boxers, the defendant was holding the victim's arms down, and the victim was crying. At trial, Kohler specifically testified that what he saw was "not consensual" and that is why he and his friends acted immediately. Kohler tackled the defendant off of the victim and physically restrained the defendant on the ground. Kohler further testified that he had to strike the defendant several times and physically pin the defendant to the ground because the defendant kept trying to get away. Armstrong called 911, found the defendant's identification, and

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assisted Kohler with detaining the defendant. Stapp went to help the victim and attempted to keep her calm and conscious until help arrived. Prior to July 2, 2015, none of the three young men knew either the victim or the defendant and, yet, all intervened to stop the sexual assault.

The victim also testified at trial. At the time of the sexual assault, she was 15 years old. She testified that she had been hanging out with some friends, including the defendant. She testified that, earlier in the day, the defendant had made some comments about her body and her clothing that made her uncomfortable. She further testified that she had shown no interest in the defendant and did not consent to any sexual activity with the defendant. Finally, she said that she remembered nothing about being at the Greenways Trails or the surrounding area. After the victim was transported to the hospital, following the sexual assault, she was placed in a medically induced coma due to an overdose of muscle relaxants.

The defendant was interviewed by Springfield Police detective Joshua Morrow. During the interview, the defendant denied ever being on top of the victim and that the only thing he remembered was swimming in the creek and then one of his friends attacking him. The defendant denied ever pinning the victim to the ground. Furthermore, during the interview, the defendant told Detective Morrow, that he observed the victim take a number of pills and that the victim passed out before they reached the Greenway Trails and remained passed out until law enforcement arrived. He also testified that he was 22 and that he knew the victim was 15 and underage. He acknowledged that he thought the victim was “cute”, “cool”, and that he would “totally date her.” Finally, the defendant claimed he couldn’t remember what happened, and that it was a possibility that he had raped the victim.

After the defendant was charged, he spoke to the *Springfield News-Leader*. At that time, he continued to deny that he had tried to rape the victim and then claimed that he was framed for the sexual assault. He told *Springfield News-Leader* reporter, Giacomo Bologna, that one of his friends hit him in the head with a rock and dragged his body onto the victim in an attempt to frame him and that the frame job was a cover-up for the drug activity. He further claimed that the screaming the three bystanders (Kohler, Armstrong, and Stapp) heard were his screams from when he was swimming in the creek. The defendant argued the same defense in closing arguments of the trial.

To be convicted of attempted rape in the first degree, the Court had to find that the defendant removed his pants and got on top of the victim, such conduct was a substantial step toward the commission of the crime of rape in the first degree, and was done for committing such rape in the first degree. The key elements of rape in the first

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degree are that the defendant committed the sexual assault with forcible compulsion or the victim was incapable of consent because of intoxication or a drug-induced state and that the defendant knew that the victim was incapable of consent.

To be convicted of attempted statutory rape in the second degree, the Court had to find that the defendant removed his pants and got on top of the victim, that conduct was a substantial step towards committing the crime of statutory rape in the second degree, and was done for the purpose of committing such statutory rape in the second degree. The key elements of statutory rape in the second degree are that the defendant had sexual intercourse with a person under the age of 17 and that the defendant was 21 years of age or older.

The defendant was initially charged with attempted rape in the first degree and attempted statutory rape in the second degree. Judge Holden acquitted him of Count I of attempted rape in the first degree and convicted him of the Count II of attempted statutory rape in the second degree. If he had been convicted of attempted rape in the first degree, the defendant would have been facing a range of punishment of five years to life imprisonment and he would not have been eligible for probation. Since the court only convicted the defendant of attempted statutory rape in the second degree, he is only facing a range of punishment of up to four years in prison and he is eligible for probation. Judge Holden set a sentencing date of June 29, 2018 at 2:30PM following a sentencing assessment report by Probation & Parole.

This case is being prosecuted by Assistant Prosecuting Attorney Stephanie Wan. It was investigated by the Springfield Police Department and Special Agent Joshua Morrow, formerly a Springfield Police Department detective, was the lead investigator assigned to the case.

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