NEWS RELEASE

GREENE COUNTY PROSECUTING ATTORNEY

DAN PATTERSON

Contact: Rhonda Ogden, Office Manager – (417) 868-4061
          1010 Boonville
          Springfield, MO 65802

12/18/2014

FOR IMMEDIATE RELEASE

MAN CONVICTED OF SEXUAL ASSAULT OF ACQUAINTANCE

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announces that Lester Deandre Anthony Erby, 37, of Springfield, MO was convicted yesterday by a Greene County Jury of sexually assaulting a woman in her home in July of 2012. The victim met Erby a few months prior, and they had been in an intimate relationship for a short time. After Erby displayed some controlling behaviors including stalking and harassment, the victim sought and was granted a temporary order of protection from him. Erby convinced her to not to show up for the hearing on the order of protection, and so the temporary order expired. Weeks later, Erby made arrangements to pick up a piece of furniture from the victim's residence. He arrived in the middle of the day. He indicated that he wanted to have sex, and she resisted his advances. He followed her around the apartment as she tried to ignore him. At one point, he indicated that they needed to speak privately, outside of the hearing of her young children. They went into her bedroom, where she sat on the floor and he sat on a chair near the desk. Apparently, he locked the door behind him as he entered. After talking for a few minutes, once Erby realized that the victim was not interested, he asked her for a hug and indicated that he would leave. She stood to hug him, and then he assaulted her, telling her to keep quiet so that her children would not hear. The victim testified that even despite his previous controlling behaviors, she did not expect Erby to rape her. The victim also testified, in response to questioning by the defense, that during the assault, one of the children heard the victim's screams and tried to open the locked bedroom door.

Erby was found guilty of sexual assault as a prior and persistent offender. The jury deliberated for over three hours before returning its verdict. The jury considered a charge of forcible rape, an unclassified felony, but the jury returned a not guilty verdict as to that count.

Subject: Greene County Prosecuting Attorney Press Release, State v. Erby, 1331-CR04875-01

Jurors in this case were not told, however, that this was the second jury trial for Erby this year for similar charges. On July 18, 2014, a different Greene County Jury found Erby guilty of sexual assault, deviate sexual assault, and attempted deviate sexual assault for sexually assaulting a different woman in July of 2013. In that case, the jury deliberated for over six hours before returning verdicts. The jury in that case also considered charges of forcible rape, forcible sodomy, and attempted forcible sodomy, but that jury found Erby not guilty as to those counts. Had Erby chosen to testify in the trial this week, the jury would have learned that he had already been convicted of sexual assault, among other crimes, to help the jury determine his credibility. Because Erby did not take the stand, consistent with his Fifth Amendment rights, the jury in the second trial did not learn about the conviction from the first trial.

The jury trial was presided over by The Honorable Thomas Mountjoy. The defendant is subject to a sentence of up to 15 years for the count of sexual assault from July of 2012 and up to a total of 18 years for the three counts from July of 2013. Any sentences to the Department of Corrections could run consecutively or concurrently. Erby will also be required to register as a sex offender. Judge Mountjoy set a sentencing hearing for February 6, 2015 following a sentencing assessment report by the Department of Probation and Parole.

This case is being prosecuted by Assistant Prosecuting Attorneys Nathan Chapman and Emily Monroe. The crimes were investigated by the Springfield Police Department, and retired Detective Maggie McDowell and Detective Annesha Umbarger were the detectives assigned as lead investigators.

###