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FOR IMMEDIATE RELEASE

MAN SENTENCED TO 8 YEARS PROBATION FOR SEXUAL ASSAULT

December 9, 2015

GALVESTON – Today, Johnathan Massey, 27, was sentenced to 8 years community supervision for sexual assault. A jury, on Monday, found Massey guilty and determined punishment. Massey was prosecuted by Assistant District Attorneys Candice Freeman and Joseph Frank, with Judge Lonnie Cox, in the 56th Judicial District Court, presiding.

Massey was arrested and charged in 2013 for two counts of aggravated sexual assault. The victim testified that she was in Galveston with a friend for the weekend and went to a local restaurant and hangout on the seawall. While there she met Massey. Evidence showed that at some point in the evening she was separated from her friend and left with Massey. The two went to an apartment, in Texas City, belonging to Massey's friend. While at the apartment, the victim testified that she became very uncomfortable and left on foot. A short time after leaving Massey caught up to her in his vehicle and told her he would take her back to Galveston to her friend. Evidence showed that Massey did not take her back to the seawall but instead took her to a dark, secluded area near the 51st street viaduct bridge.

The victim testified that once there, Massey hit her in the face repeatedly. She explained that she felt she would not survive if she did not do what he wanted her to do. Massey ordered her to pull down her pants and get on the ground. Once on the ground, Massey sexually assaulted her. Once the assault was over, Massey left the victim there. The victim ran to a gas station located at the corner of 51st Street and Broadway, where she asked the clerk to call the police.

Galveston Police Department Detective Holly Johnson testified about her investigation of the case. Detective Johnson recovered videos from a gas station in Texas City showing a vehicle matching Massey's in the Texas City area at 2:54 am, and from the gas station at the corner of 51st Street and Broadway, showing a vehicle matching Massey's coming from the area of the sexual assault at 3:34 am and then showing the victim

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running up to the store at 3:42 am. Detective Johnson testified about the interview she conducted with Massey. In the interview, Massey told Detective Johnson he left shortly after the victim and headed straight back to Galveston, intending to go home, around 40th Street and the seawall area. Massey identified the vehicles on both store videos as being his but could not account for why it took him 40 minutes to make the drive from Texas City to Galveston.

The State presented photo evidence and other testimony about the facial injuries the victim suffered, a bloody nose and swelling to the right side of her face. The Texas Department of Public Safety DNA Analyst testified that the DNA taken from under the victim's fingernails was a match to Massey's DNA.

During closing, the State explained to the jury that the only reasonable explanation was that Massey was the person who sexually assaulted the victim. The State argued, showing how all the evidence tied Massey to the assault, that Massey was guilty of sexual assault and should be held accountable. The jury deliberated for less than a day before returning a not guilty on one count of aggravated sexual assault and a guilty on a lesser charge of sexual assault on the second count.

Massey faced a sentencing range of 2 years to 20 years in the Institutional Division of the Texas Department of Criminal Justice. However, because Massey had no prior felony convictions, the jury could sentence him to up to 10 years of community supervision, in lieu of prison. At the close of punishment and after short deliberations, the jury returned with an 8 year community supervision sentence. Massey will be required to register for life, annually, as a sex offender.

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