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**PRESS RELEASE**

**FOR IMMEDIATE RELEASE**

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**Judge Finds Sufficient Evidence in 1984 Sex Assault Cold Case**

GREELEY, Colo. (Weld County D.A.) – A sexual assault cold case from the early 1980s in Weld County can now proceed to trial following a preliminary hearing.

The Honorable Judge Thomas Quammen listened to the evidence presented Wednesday morning and found there to be sufficient evidence against the two defendants, Rusty Gene Barnhart, 57, and Inocencio Trevino, 49.

The two defendants are both facing charges for 2<sup>nd</sup> Degree Kidnapping, a class 2 Felony, which carries a possible sentence of 4 to 24 years in the Colorado Department of Corrections.

Due to the current statute of limitations for sexual assault crimes, Weld County District Attorney Michael Rourke is prohibited from charging the two men with sexual assault, despite DNA evidence which connects Barnhart and Trevino to the assault.

According to the affidavit in July 31<sup>st</sup> 1984, Greeley Police Department officers responded to a report of rape in Greeley. The victim had finished working her shift at Denny's restaurant at 2319 8<sup>th</sup> Avenue and was walking home when two unknown men pulled her into an alley, threatened to kill her and sexually assaulted her.

At one point, the men moved her to another location after a car drove by and continued their assault.

The case went cold until 2014 when state legislators passed a law requiring all unsolved rape kits to be tested by accredited labs. In this case, a CODIS (Combined DNA Index System) hit identified Barnhart and Trevino as positive DNA matches.

Both defendants are scheduled for an arraignment on September 23<sup>rd</sup> at 9:00 a.m.

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