

Khan rape trial begins

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More than two years after Saifullah Khan was arrested for allegedly raping another Yale undergraduate after the 2015 Yale Symphony Orchestra Halloween show, the alleged victim gave her testimony as the trial began Monday morning.

Khan, who was first arrested by police in November 2015, was supposed to go to trial in fall 2017, but just as the alleged victim — referred to as Jane Doe in court documents — was about to begin her testimony, the judge declared a mistrial after the Yale Police Department informed the courtroom that there was additional evidence pertinent to the case: pages of notes from police interviews, which were never made available to the defense.

Khan, a native of Afghanistan who studied cognitive science at Yale, was suspended by the University on Nov. 9, three days before he was arrested and his bail was set at \$100,000. If found guilty on all counts, he could face years in prison.

The New Haven trial has drawn attention as one of the few campus rape cases that have ever gone

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to court. According to a 2014 Department of Justice study, 20 percent of rape and sexual assault victims in college bring their accusations to law enforcement. Among those cases, only a fraction of those accused ever go to trial.

The case also brings to the fore the question of which bodies should handle campus sexual assault allegations — internal panels like Yale’s University-Wide Committee on Sexual Misconduct or courts of law.

On Monday morning, dressed in a navy suit and brown shoes, Khan sat still, his head held high, as the clerk read the jurors the three felony and one misdemeanor counts against him. At one moment in the trial, Khan toyed with his lawyer’s ponytail and chuckled to himself when evidence was dismissed.

For five hours, a jury of five men and five women listened to the alleged victim recount the events leading up to and on the night of Halloween and the early morning of Nov. 1, 2015. Her testimony is expected to resume on Tuesday.

After a dinner with Khan, Doe attended a party at Shabtai, a Jewish society of which Khan was a member. According to her affidavit, she had two rum and cokes, one shot of unknown liquor and two cups of white wine at the party. After leaving the party with four other students, Doe had trouble producing her Halloween Show ticket on her phone because of her intoxication. She and Khan went to the second-floor balcony, but after she vomited, Khan walked her away from her seat, at which point she vomited again. Khan and Doe were denied re-entry into the Yale Symphony Orchestra show because Doe was too inebriated, according to an affidavit for the case undersigned by Yale Police Department detective Paul Sires. Afterwards, according to the affidavit, Khan walked her back to her room.

Sitting in front of a microphone and a box of tissues, Doe wiped tears away as she described what happened in her Trumbull room, where she vomited again and then fell fully clothed onto her bed. She said that she next remembers Khan appearing next to her bed naked, climbing on top of her and then raping her.

“I was crying, I tried to say stop but I’m not sure if anything came out,” Doe said. “I remember feeling him

inside me.”

The next morning, she said, she saw a handful of condom wrappers on her floor and a bruise on her leg. Doe said that after she woke up she found messages sent from her phone that night that she did not remember sending. A friend had inquired whether she was OK, and a text from Doe’s phone said that she was. She insisted at the trial that Khan had her phone, after she gave it to him outside Woolsey Hall. She explained that she “didn’t have the mental capacity to text back,” given that she could not even walk on her own.

Footage of Khan and Doe retrieved by police was presented to the jury, in which Khan appeared to be propping up Doe, whose leg was dragging behind her, as the two walked down the Rose Walk on the way back from Woolsey.

A text had been sent from her phone saying she was in the “orchestra,” but Doe said that, at the time, she did not know what the word “orchestra” could refer to a seating section, not just the area of the stage where the orchestra performs.

At that point, Khan’s lawyer objected, saying that Doe could not have remembered whether Khan had her phone. The judge sustained the objection, saying that the texts were too speculative to be presented before the jury.

As the prosecutor questioned Doe about the route she took from Shabtai to Woolsey Hall, Norm Pattis, one of the two defense

lawyers representing Khan in the courtroom, also raised more general concerns about Doe’s memory of the night of the alleged rape.

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The defense lawyers voiced concerns that Doe might have confused direct recollection with after-the-fact inferences and speculations that might not reflect reality. Before Doe’s introduction as the second witness for the prosecution, Pattis motioned for the court to hear her testimony outside of the jury’s presence, saying that he would raise objections repeatedly if the judge allowed her to testify in front of the jury. The judge denied his motion and asked him to raise his concerns in cross-examination.

The prosecutor, Michael Pepper, told the News that he does not comment on pending cases. And Daniel Erwin, a defense attorney for Khan, also declined to comment on this story.

Before Doe testified, the prosecution examined its first witness, Christopher Cofrancesco, a detective with the Yale University Police Department. Pepper showed Cofrancesco three maps of New Haven and Yale, and established the locations of access points to Trumbull College and of the surveillance cameras.

More details about the alleged victim surfaced during the trial. Doe, who had to work multiple

campus jobs to finance her studies, said she rarely had time to attend parties at Yale. She said that Halloween night was the first time she had consumed alcohol, not counting a glass of wine given to her by her host family during a study-abroad program.

“I had never been inebriated,” she said in the court.

Doe recalled that her first encounter with Khan was on Facebook. He added her on social media when she was a sophomore, she said, before they had met in person. She deleted him after a few months.

On Oct. 12, two weeks before Halloween night, Doe sat next to Khan in a leadership talk in William L. Harkness Hall and they struck up a conversation. “The conversation was mainly small talk,” she said. “It was more of a formal introduction to what had happened in the past.”

Khan asked for her phone number when she left the talk early. Doe gave him her number and said she did not have any “romantic intent,” emphasizing that it’s a “friendly gesture” that fits with the general culture of the University.

Their next face-to-face encounter was a meal together on Oct. 29, when they ran into each other on Cross Campus and Khan asked to join her for lunch in Commons. Doe described the lunch conversation as “very odd,” recounting how Khan stressed the power he had within the residential college and his close relationships with the dean and head of college.

After the lunch, Khan was persistent on joining her in whatever plans she had for the afternoon, according to Doe. They ended up studying on the chairs in the Trumbull courtyard. When it began to rain, Doe said she told Khan she would continue her work in her dorm and said goodbye. According to Doe, Khan started to follow her to her entryway and was “noticeably frustrated” when she said he was not allowed inside.

Following the lunch, Doe texted Khan to ask if she could buy the extra Halloween Show ticket he had mentioned during lunch. He told her she could have it for free.

Screenshots of text messages the prosecution provided as evidence show Doe texting “I owe you,” to which Khan replied “oh yeah” with a winking-face emoji. Doe said her response was a figure of speech not unlike “thank you.”

According to Doe, Khan’s efforts to enter her suite only grew more intense after the lunch. Following their dinner on the night of Halloween, Khan again tried to follow her into her room. Doe said Khan got angry and would not take “no” as an answer when she repeatedly told him he could not come to her room.

“I thought what I encountered on Thursday was odd; this one crossed a boundary,” she said.

Several members of Families Advocating for Campus Equality, a national group that advocates for due process for men accused of

sexual misconduct, attended the trial in support of Khan. Cynthia Garret, the group’s director, told the News she only had one comment: “We have only heard one side of the story.” ■