

Accuser's friends take the stand in Yale rape trial

By Randall Beach

A friend of the complainant in Saifullah Khan's sexual assault trial Thursday testified she saw the complainant in "discomfort" as Khan put his arm around her shoulder and his hand on her leg in the period before the alleged assault.

The witness said she observed this while sitting in Yale's Woolsey Hall during a Halloween concert Oct. 31, 2015. The complainant has alleged that, after the show, Khan, a classmate of hers at Yale, helped her get back to her dormitory bedroom because she was inebriated but then sexually assaulted her.

The witness recalled sitting in the balcony, looking down before the concert and seeing the complainant and Khan sitting together on the ground floor or "orchestra" level.

Under questioning by Supervisory Assistant State's Attorney Michael Pepper, the witness said she saw her friend exhibit "uncomfortable behavior" because of Khan's advances.

The witness also told Pepper: "Even

When defense attorney Norm Pattis cross-examined the witness, he first asked her about the nonprofits and politicians she has worked for in Washington, D.C., since graduating from Yale in 2016.

"Are you working for Republican politicians now?" Pattis asked. Pepper objected ... and Superior Court Judge Brian T. Fischer sustained the objection.

from a distance, I could tell she was drunk."

When Pepper asked about the "uncomfortable behavior," the witness said, "Sai (Khan) put his hand on her leg. She brushed it off. Sai put his arm around her and she shrugged her shoulder in a way that Sai took his arm off of her."

The witness added, "She rolled her head, leaning away from the defendant; she showed discomfort."

Pepper asked the witness to demonstrate this. The witness slumped down and rolled her shoulders. She said she saw her friend do this three to five times.

The witness said she became concerned by what she was seeing and so she texted a closer friend of the complainant. "I said I saw (their friend) and Sai together and I wasn't sure if I could intervene, that I wasn't sure if she should check in on her."

The witness said her text also stated Khan's behavior seemed "inappropriate."

She said she sent the text to that mutual friend at 11:49 p.m, about 10 minutes before the Yale Symphony Orchestra began to perform. But the mutual friend did not respond until more than an hour later.

She testified that when the lights dimmed and the show began, she could no longer see her friend. She didn't see her again that night.

The complainant testified earlier this week that she vomited in her seat at Woolsey Hall, then threw up again in the rotunda. She was unable to return to the concert because a security guard saw her vomiting and told her not to go back inside.

When defense attorney Norm Pattis cross-examined the witness, he first asked her about the nonprofits and politicians she has worked for in Washington, D.C., since graduating from Yale in 2016.

"Are you working for Republican politicians now?" Pattis asked. **Pepper objected to this as being irrelevant and Superior Court Judge Brian T. Fischer sustained the objection.**

Then Pattis asked about her campus political activities. She acknowledged one of the Yale student groups she supported had promoted gender equality.

And then Pattis asked her to define "micro-aggression." She replied: "It's a way in which in a conversation they may say something hurtful in a political way. I might say: 'This relates to my

gender identity.'"

Pattis asked, "If I put my arm around you at a concert, would that be micro-aggressive?" She said it would not.

Pepper on Thursday also called to the witness stand the complainant's closer friend, the one who received the text from the woman sitting in the balcony. This witness said she had been friends with the complainant during all of their four years at Yale.

She said she also knew Khan at Yale, but not well. "We were both pre-meds. But we didn't have many interactions."

She identified him sitting in the courtroom, dressed in a dark blue suit, red shirt and tie. He is charged with sexual assault in the first, second, third and fourth degrees. He was suspended from Yale after the complainant made her accusation and he has not returned.

The witness recalled putting on Halloween costumes with her friend in the complainant's room that Saturday night. "I was a biker, wearing black leather, she was a cat."

She said she helped her friend put on her tank top. "The clasp was hard to get to."

Then they walked over to a "Hallowings" party being thrown at Shabtai, a Jewish society affiliated with Yale that is based at an old mansion on Orange Street. The Yale students there were offered

chicken wings and lots of alcoholic beverages.

The witness recalled Khan was checking in guests at the door. She said she saw him later during the party, with a cup of bourbon in his hand.

She noted she and her friend had two rum and Cokes, then a cup of straight bourbon after those were passed around. And then her friend quickly had two glasses of white wine. The witness said she herself only took a few sips of the wine.

The witness said she remained "functionally sober," as she did not drink as much as her friend. She also noted her friend was not used to drinking. "She did not drink the first three years" at Yale.

Toward the end of the party, the witness said, she became very concerned about her friend. "She was leaning on me a lot. She was giggly and boisterous, not her usual behavior."

As the witness, her friend and several other Yale students walked from the party to Woolsey Hall, she recalled, her friend was "leaning heavily on us, giggling and swearing a lot."

Asked by Pepper how inebriated the friend was, on a scale of one to 10, the witness replied: "Nine."

When they reached the outside of Woolsey Hall, the witness said, she left her friend and the others because she did not have a ticket. But she testified: "I repeatedly asked

(her friend) if she was OK. I said, 'Text me if you need anything, I will come and get you.' She said she was fine."

But the witness added: "The alcohol was really hitting her at that point." Recalculating her friend's inebriation on the 1-to-10 scale, the witness said by then she was "more than 10."

Nevertheless, she said she felt it was OK leaving her friend there because a male friend (not Khan) was with her and supporting her. (The complainant has testified they got separated from that male friend when she had trouble accessing her ticket on her cellphone and Khan assisted her.)

The witness said she received the text of concern from the other friend who was inside Woolsey Hall at 11:49 a.m. But she didn't see it until 1:09 a.m.

She said she responded immediately, asking her to "keep an eye on" their friend and "to intervene if she saw something non-consensual." But by then their inebriated friend was long gone from the concert.

The witness said she texted the complainant: "You OK?" The response from the complainant's phone was: "In my room, don't want to go out." The witness testified another friend texted the complainant, "You OK?" and the response was "Yeah."

Pepper and the complainant have said Khan took her cellphone away from her at Woolsey Hall and they

implied he was the one sending those response texts from her phone.

The witness said the complainant texted her in the early morning hours, asking her to come to her room. The witness arrived there at about 7 a.m. She described her friend as "shaken." They then walked to the Yale Health Center, where her friend took a Plan B pill in an effort to avoid becoming pregnant. ■