

## Former Yale student found not guilty of sexual assault

By Randall Beach

**S**aifullah Khan, who had been on trial on sexual assault charges, was found not guilty on all counts Wednesday.

The jury's decision in the emotional and controversial case, announced shortly after 12:30 p.m., prompted Khan, now 25, to bow his head in relief. After court adjourned, he hugged his supporters and his attorney, Daniel Erwin. Co-counsel Norm Pattis was away on another case.

Khan had testified Tuesday that his accuser actually was the sexual aggressor who invited him into her Yale dormitory room and then into her bed. His account was diametrically opposed to that of the complainant, who last week tearfully testified that Khan took advantage of her inebriated state and "raped me."

The defense attorneys and Supervisory Assistant State's Attorney Michael Pepper called multiple witnesses to give their varied accounts of

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Saifullah Khan, a former Yale student on trial for allegedly sexually assaulting a female classmate, leaves New Haven Superior Court Tuesday afternoon.

what happened three years ago during a rowdy Halloween night of campus partying and a Yale Symphony Orchestra concert at Woolsey Hall. The complainant vomited during

that performance and quickly left, escorted by Khan.

Khan was charged with sexual assault in the first, second, third and fourth degrees. He and the complainant were seniors at Yale when they had their sexual encounter. Yale officials suspended him after she made her accusation and he has not returned.

In a written statement issued immediately after court adjourned, Pattis and Erwin called upon Yale University officials to readmit him.

“Yale rushed to judgment in this case and somehow managed to bring the New Haven State’s Attorney’s Office along for the ride,” the attorneys said.

“We’re grateful to six courageous jurors who were able to understand that campus life isn’t the real world. Kids experiment with identity and sexuality. When an experiment goes awry, it’s not a crime.”

They added, “Now that Mr. Khan has been acquitted, we’re calling for Yale to readmit him. He was suspended in 2015 without a hearing. It’s time to right that wrong.”

The New Haven Register emailed questions to Yale spokesman Thomas Conroy Wednesday about the verdict, the defense attorneys’ comments and the issue of readmitting Khan.

Conroy simply replied in an email: “Yale has no comment on the verdict.”

Erwin said after court adjourned that Khan will ask Yale to readmit him “in the near future.” Erwin noted Khan faces a hearing with the university’s Committee on Sexual Misconduct. Erwin also noted Khan was suspended “on an emergency basis.”

Khan, dressed in a dark suit and tie, as he did throughout the trial, said he wanted Erwin to speak on his behalf.

“Mr. Khan is overcome by his emotions,” Erwin said. “This has been a two and one-half-year ordeal. He has to rearrange his life from the wreckage.”

When Khan, a native of Afghanistan, was sworn in to testify Tuesday, he gave his home address as his attorneys’ office in New Haven. He explained under Pattis’ questioning that he has no real home. Last week he told a New Haven Register reporter: “I am alone in America.” But he said he was grateful to his supporters for helping him.

Khan’s family lives abroad.

At Yale he was majoring in cognitive science and expected to graduate the following spring. The complainant did graduate on that schedule.

The jury of three women and three men began deliberations

late Tuesday afternoon but did so for only fifteen minutes before Superior Court Judge Brian T. Fischer sent them home at 5 p.m. They resumed Wednesday at about 9:30 a.m., taking a mid-morning break.

Shortly after the forewoman said “not guilty” four times, beginning with the first-degree sexual assault charge, Fischer said, “Good luck, Mr. Khan” and adjourned the proceedings.

Pepper had no comment as he left the courtroom.

During his testimony Wednesday, Khan gave a detailed and sometimes graphic account of what he said happened in the complainant’s bedroom in the early morning hours of Nov. 1, 2015. He said he brought the woman back to her suite and said good night to her but that she quickly called out his name and invited him into her room.

Khan said she initiated the oral sex and, hours later, the sexual intercourse.

But the complainant had testified she collapsed onto her bed, fell asleep and in the middle of the night felt Khan on top of her, pinning down her arms. She said she tried to call out to him to stop but wasn’t sure if she had been able to speak.

However, in his closing argument Pattis reminded the

jurors that within a few of hours after the alleged assault, the complainant texted Khan: “LOL” (laugh out loud.)

Pattis also played up the complainant’s admitted memory lapses of that night and early morning. Pattis asked the jurors: “Then how are you supposed to know?” ■