

Accuser's ex-boyfriend, friend testify in Khan trial

By Britton O'daly, Jingyi Cui & Hailey Fuchs

After three days of testimony and cross examination, the alleged victim in the rape trial of former Yale student Saifullah Khan left the witness stand on Wednesday.

Four days into the trial, the jury has heard from five witnesses called by the prosecution, including the alleged victim — referred to in court documents as Jane Doe — two other Yale students who were with Doe in the hours before Khan allegedly raped her in the early hours after Halloween 2015, a third student who saw her that evening and Christopher Confrancesco, a detective with the Yale Police Department. After hearing from witnesses on both sides, the 10-person jury will decide whether Khan is guilty of any of the three felony and one misdemeanor charges brought against him.

On Tuesday and Wednesday, Khan's lawyer Norm Pattis grilled Doe on the details of the events leading up to and on the night of Oct. 31 and in the early hours of Nov. 1, 2015. Pattis questioned Doe on the particulars of the makeup and cat costume she wore and on the specific timing of Doe's activities

Freezing at a frame in the video, [Defense Attorney Norm] Pattis asked Doe to describe the facial expression of the “young lady standing next to Khan,” which is Doe herself.

“She’s shivering,” Doe said.

Pattis disagreed, saying that the woman in the image was speaking to Khan.



that night.

In particular, Pattis tried to pinpoint the amount and kinds of alcohol Doe had to drink at a party at the Jewish society Shabtai, which she attended before heading to the Yale Symphony Orchestra Halloween show.

After she had two coke and rums, Doe said, Shabtai founder and rabbi Shmully Hecht entered the room with a jar containing a brown-and-orangish liquid, which he distributed in individual glasses to students sitting in a circle.

“Did you know what you were drinking,” Pattis asked.

“No,” the victim replied. “I saw other people drink. I was carried away.”

Leaning on the table in front of Doe,

Pattis asked her to give an exact estimate of the amount of alcohol she had at Shabtai in terms of the paper cups provided by the court. After several rounds of back-and-forth, the victim said she had one-and-a-half to two full paper cups of alcohol before she left with two friends to walk to Woolsey Hall for the YSO show.

Later on Tuesday, Pattis showed the jury a surveillance video taken from a camera in front of Sterling Memorial Library that shows her walking with Khan on their way back to her suite in Trumbull College at around 12:40 a.m. on Nov. 1.

Freezing at a frame in the video, Pattis asked Doe to describe the facial expression of the “young lady standing next to Khan,” which is Doe herself.

“She’s shivering,” Doe said.

Pattis disagreed, saying that the woman in the image was speaking to Khan.

On Wednesday morning, the cross examination focused on the events that took place after Khan and Doe entered her suite.

While answering a question, Doe said Khan was “holding down [her] arms,” an allegation that Pattis said Doe did not give to the Yale police when they questioned her on Nov. 3, 2015. Doe said the memory came back to her after her meeting with Yale police.

Another discrepancy, Pattis said, was that Doe testified that she felt

Khan “was inside of [her]” and that she was “penetrated.” Pattis noted that Doe did not make such statements to the Yale police during their Nov. 3 meeting, when she told the police only that “her body felt as though she had vaginal sex” the day after.

The first witness to come to the stand after Doe was her former boyfriend and one of the last people to see her before she and Khan went back to her dormitory. In her testimony, she said she did not have any romantic interest in this former boyfriend on or before the night of the alleged rape.

The witness was one of two students who walked with Doe from Shabtai to the YSO Halloween Show at about 11:25 p.m. on Halloween night. He said that when he saw Doe, she appeared to be “tipsy but not drunk,” or a four out of ten on a scale of intoxication.

That night, Doe’s former boyfriend continued, Khan leaned his head towards him and said “I’ve been trying to get with [Doe] for the last few days so.” He responded that Doe was now Khan’s responsibility, implying that he would not flirt with Doe. The witness, Khan, Doe and Hecht sat together at the YSO show. But after 30 minutes, Doe “retched,” the witness said. She later vomited, and at that point, Doe seemed to be an eight on the 10-point scale of intoxication, he added.

“It would have been easy for you to help [Doe],” Khan’s lawyer told Doe’s former boyfriend. “It wouldn’t have been costly or burdensome for

you, correct?”

The witness responded that he has thought about that a lot.

On Thursday, the prosecution lawyers Michael Pepper and Pattis questioned a female friend of Doe’s, who took the witness stand after Doe’s former boyfriend. The lawyers asked the friend questions about text conversations between her and Doe on the night of the alleged rape, how much alcohol the friend consumed at Shabtai, how much alcohol she saw Doe consume at the party and a trip the friend took with the Doe to Yale Health the day after the alleged rape in order to pick up Plan B.

Pattis objected that many of Pepper’s questions for the friend about whether she was concerned for the alleged victim on the night of Oct. 31, 2015 and whether she thought that somebody besides the alleged victim was texting her from the alleged victim’s phone later on in the night were speculative. The judge sustained these objections and struck the questions from the record. ■