

All-American Swimmer Found Guilty of Sexually Assaulting Unconscious Woman on Stanford University Campus

by John Williams
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The two students on bicycles skidded to a stop on “Scary Path,” a walking-biking trail on the Campus of Stanford University. True to its nickname among Stanford students, the dirt trail on the edge of campus was home to something sinister in the early hours of Jan. 18, 2015. The cyclists were on their way to a frat party. They halted, however, at the sight of a man lying on top of a half-naked woman. Normally, the bikers might have been amused to catch sight of fellow students having sex. But this was different. The man, tall and slim and athletic, was thrusting atop the woman. The woman wasn’t moving at all.

“Is everything okay?” Lars Peter Jonsson, a Swedish graduate student, shouted. When the man turned around, Jonsson could see the woman’s genitals were exposed. “She didn’t react to my call,” Jonsson testified Friday in a Palo Alto, Calif., courtroom, according to the San Jose Mercury News. “I said, ‘What the f— are you doing? She’s unconscious.’”

The man tried to run away, but Jonsson and his friend caught him and pinned him to the ground until police came and made an arrest.

The case grabbed national headlines. Some of the interest stemmed from the lurid details of the alleged sexual assault on a prestigious campus. The victim was so intoxicated at the time of the incident, for example, that she didn’t wake up for at least three hours afterward and had a blood-alcohol level more than triple the legal driving limit.

But an equal part of the case’s notoriety was due to the alleged culprit: a baby-faced Stanford freshman named Brock Turner. Turner was a member of Stanford’s varsity swim team, one of the best in the country. He was an All-American swimmer in high school in Ohio, so good that he tried out for the U.S. Olympic team before he could vote. Suddenly he was accused of rape.

Earlier this month, Turner went on trial. And on Wednesday, a jury found him guilty of three felonies including assault with intent to rape an intoxicated woman and sexually penetrating an unconscious person with a foreign object. He now faces up to 10 years in prison, according to the Los Angeles Times.

It was a stunning fall from grace for Turner. Once a record-setting swimming prodigy, he is now a convicted sex offender at age 20. It was also a landmark case in the nationwide struggle to combat sexual assault on campus, at least according to prosecutors. During the trial, they argued that despite his squeaky-clean image and exalted status as a Stanford athlete, Turner deserved no special treatment. “He may not look like a rapist, but he is the ... face of campus sexual assault,” Deputy District Attorney Alaleh Kianerci told the jury, according to the Mercury News.

After the guilty verdict, prosecutors again argued that the case set an important national precedent. “Today a jury of Santa Clara County residents gave a verdict which I hope will clearly reverberate throughout colleges, in high schools, anywhere where there may be any doubt about the distinction between consent and sexual assault,” District Attorney Jeff Rosen said in a statement. “No means no, drunk means no, passed out means no, and sex without consent means criminal assault.”

But critics argued that the jury was harsh on Turner and treated an ambiguous and alcohol-fueled moment with black-and-white certainty.

“This was not a clear-cut case, and I hope the jury got it right,” commented one man on a local TV station’s coverage of the verdict. “Of course Turner made some terrible mistakes, but I will always wonder if consent happened or not. “I also worry the ‘face of campus sexual assault’ was being prosecuted rather than the actual defendant,” he added. “The prosecutor was playing to the demands of Stanford female activists.”

With sentencing on June 2 - and an appeal possible - Turner’s once-promising future remains uncertain. But his extraordinary yet brief swim career is now tarnished, like a rusting trophy. Turner’s future was once bright. He began swimming at age 2 in his home town of Oakwood, Ohio. At age 10, he was named in the local newspaper as helping his swim team win a championship. By the time he entered high school, he had already won the Ohio Junior Olympics. “When [Brock] first did the backstroke, his instructor had to jump in and get him because he looked like he was drowning,” his mother, Carleen, told the Dayton Daily News in 2010. “It’s amazing to see how he’s grown.”

He kept going, earning a spot at the U.S. Olympic team trials just two years later, and then leading Oakwood High School to two straight state titles. Turner turned down scholarships at a host of universities to attend Stanford, where he joined a top-10-in-the-country swim team. But on Jan. 17, 2015, midway through his freshman year and first swim season at Stanford, Turner’s life and career were upended during a night of drinking.

The Night It Happened

That night, Turner attended a party at the Kappa Alpha fraternity on the southwestern edge of Stanford's Palo Alto campus. At that party, he met a pair of sisters. The older one had been reluctant to come out. The 22-year-old had recently graduated from the University of California at Santa Barbara and moved back in with her parents. She had a serious boyfriend in Philadelphia and planned to stay home. But she changed her mind when her younger sister and her friends began to drink whiskey and champagne, she told the jury, according to the Mercury News. After having four whiskey drinks at home, the woman and her sister were driven to Stanford to meet female friends.

From there, the young women went to the party. The woman testified that she acted "silly" at the party to make her younger sister laugh, singing loudly and dancing goofily. At some point, the sisters and their friends met Turner. According to Turner's testimony, he and the woman danced and kissed at the party. Sometime around midnight, he asked her whether she would like to go back to his dorm and she said yes, Turner testified.

They held hands as they left the party, but then she slipped and they both fell, he said. Once on the ground, they started kissing near a trash bin, and when he asked whether he could touch her genitals, she once again agreed, he testified, according to the Mercury News. When he asked her whether she liked it, she replied "uh huh" and then they started "dry humping," he claimed in court.

Suddenly, he felt sick from the seven beers and two sips of whiskey he had drunk, however, and he stumbled away from her thinking he was going to be sick, Turner testified. That's when the passing exchange student, Jonsson, asked him what he was doing. He ran. Jonsson and his friend grabbed him, and a struggle began. When one of the two men tried to put him in a headlock, Turner said he got scared and tried again to run, only to get tackled. "I started screaming for help," he testified.

But the court also heard evidence contradicting Turner's claims. Jonsson painted a different picture of what he found that night next to the Scary Path. And one of the victim's friends testified that she had seen Turner try to kiss the victim's sister, only to be rebuffed. Then there was the physical evidence, including her DNA on his hand and bruises to her body.

Although Turner's blood-alcohol content was twice the legal driving limit, he testified that he remembered what happened that night. The woman, whose BAC was more than three times the limit, did not. She would wake up more than three hours later in the hospital with pine needles in her disheveled hair, dried blood on her hands and elbows, and no clue how she got there. A Santa Clara County sheriff's deputy at her bedside told her she may have been a victim of a sexual assault. "I didn't know where my sister was. I didn't know where I was," the woman testified before she started sobbing so uncontrollably that prosecutors requested a recess, according to the Mercury News. When she returned to the stand, the woman said it wasn't until she went to the hospital bath-

room and realized her underwear was gone that reality set in. “That’s when it hit me that what the deputy talked about was real and I was scared,” she testified.

Adding to the interest in the trial was Stanford’s questionable history in pursuing allegations of sexual assault. Between 1997 and 2009, just four of 175 reported sexual assaults were formally adjudicated at Stanford, with two of the alleged attackers held responsible, SFGate reported, citing research by Stanford law professor Michele Landis Dauber.

Prosecutors called Turner a “predator.” His defense attorney argued, however, that Turner thought she had consented and therefore he was innocent.

It took the jury two days to find Turner guilty of three felonies: assault with intent to rape an intoxicated woman, sexually penetrating an intoxicated person with a foreign object and sexually penetrating an unconscious person with a foreign object. Prosecutors had dropped rape charges several months earlier.

The trial was hard on the jury, according to a female juror who emailed The Washington Post. “Many of us lost many nights of sleep, because we wanted to do the right thing, we wanted to be fair to everyone involved,” she wrote. “You are talking about people who got pulled from a peaceful life (many lost over half a month income).” She said the case will haunt her, even now that the trial is finished. “I thought I could finally have a good sleep last night now that the verdict was reached, guess not,” the juror wrote. “The burden is now on jurors’ shoulder. The defendant mom’s wailing will haunt us for we don’t know how long. Either conviction will haunt us. A peaceful life is no longer peaceful.”

However difficult it was to come to the verdict, many commenters passionately agreed with it. “Finally justice!” one wrote. “ZERO tolerance,” added another. “Young men are out of control on many campuses especially athletes. Poor girl.”

Some, however, thought Turner had been treated unfairly. “Rosen’s comments show clear bias,” one argued. “I’m guessing that this conviction will be overturned on appeal. What this guy did was wrong but both men and women need to be much better informed on the effects of alcohol. Alcohol is a drug. It’s effect on the subconscious mind precipitates this kind of unfortunate occurrence.”

“So his BAC was two times the legal limit, while hers was three times,” said another. “There are no winners here, but she is considered a victim while he goes [from] Stanford student and Olympic hopeful to registered sex offender for the rest of his life once he gets out of prison. Fair enough.”

Three years ago, Turner was also asked where he hoped to be in 10 years. “In residency to be a surgeon,” he responded. If his conviction stands and if his sentence is stiff, however, he will be in prison.