

Seven Big Lies in the Brock Turner Case; Plagiarism at Stanford

Seven Big Lies *[updated 1/30/20]*

A review of Stanford police reports, as attached to the criminal complaint filed with Santa Clara County Superior Court, and other public records reveals a number of major lies, including significant discrepancies and wrongdoing that Stanford itself has failed to address.

- 1. Turner committed rape.** Totally false. Turner's DNA was not on Chanel Miller's body nor her underwear, and his pants and other clothing were never open. Santa Clara County District Attorney Jeff Rosen and Deputy DA Aleah Kianerci knew this from the outset but charged Turner with rape and inappropriately kept the rape charges pending for nine months while a media campaign was being carefully waged against Turner by Stanford law school professor Michele Dauber. This also gave a false excuse for the highly inflammatory and libelous web tagline "Stanford rapist" to be used by traditional and social media looking for ratings and catering to Google and other algorithms. Moreover, the specific crimes Turner ultimately was prosecuted for require that the prosecutor prove beyond a reasonable doubt that Turner knew Ms. Miller was so incapacitated that she could not give consent even though he thought she had. That standard got lost by the end of the trial. Moreover, Ms. Miller's condition is such that she appears fully functioning to third parties, including in this case to Turner. It's just that, as she told Stanford police, she has suffered this type of alcohol amnesia in the past. And although she functions fine, she further told Stanford police, including getting herself home on her own, she later can't remember what she did. See also Malcolm Gladwell's thorough discussion of blackout amnesia, including in the Turner case, in his book *Talking to Strangers*.
- 2. The hookup between Turner and Ms. Miller was in secret, behind a dumpster.** Again, totally false. Everything was in full view of all passersby, including a couple making out nearby. Turner and Ms. Miller were obviously in full view of the two Swedish graduate students as well. Incredibly, the Stanford law school professor who later promoted the "behind the dumpster" story line, Prof. Michele Dauber, initially wrote to the judge in the case, Judge Aaron Persky, that the horror of it all was that the hookup was in full view of everyone.
- 3. Ms. Miller wrote the sensationalized statement she read at Turner's sentencing.** Also false. The statement totally conflicts with what Ms. Miller told the probation officer days earlier ("he doesn't need to be behind bars"), the Stanford law school professor involved in the case from the outset (Prof. Michele Dauber) reportedly has boasted to at least one third party that she (Dauber) wrote it, there in fact are two versions of the statement, the statement refers to specific page numbers in the transcript that wasn't even ready as yet, it uses legal language Ms. Miller would not be familiar with, and once they all were caught in the lie six months later, they never again said that Ms. Miller "wrote" but rather that she "read." Santa Clara County's DA and PR departments apparently also were aware of the lie from the outset. Per subsequent Public Records Act disclosures, starting the very day the statement was "read" in court, they carefully only said to the press that the statement was "disseminated" by Ms. Miller, etc. but never "written" by Ms. Miller. Likewise, the preface to the statement in Ms. Miller's book carefully says it is the statement she "read" in court. See also the discussion of plagiarism, below.
- 4. Ms. Miller's mother drove them to the KA party.** There are serious questions whether this is true. Stanford police officer Jeffrey Taylor conducted the very first interview of Ms. Miller once she woke up in the emergency room (that is, early Sunday, January 18). According to his written report and as attached to the criminal complaint against Turner, Ms. Miller came to the Stanford campus Saturday evening, January 17, with her sister Tiffany and her friend Julia Maggioncalda, went to a party at the Lagunita Court area, and all three of them (Ms. Miller, her sister Tiffany and Ms. Maggioncalda) then went to the party at the KA house. It's not clear here if they walked or drove, so is this a possible reason the list of license plates in the KA parking lot disappeared, as discussed below?

Approximately 15 hours later, that is at 8 p.m. on Sunday, Ms. Miller told something completely different to Stanford police officer Carrie DeVlugt. Here she said that her sister Tiffany received a phone call from Tiffany's friend Julia Maggioncalda at 8 p.m. Saturday night inviting them to a party at the KA house and that Tiffany then called two friends to ask them to join them. The reason for Ms. Miller to come to the police station, by the way, was she wanted her cell phone back, and returning the phone to her this early in the investigation was a major breach since the phone contained photos, videos, text messages, voice messages and timelines that occurred during the party and thus constituted important evidence of what had happened and when. At very least, Stanford police should have kept a copy and provided that critical and potentially exculpatory evidence to Turner's lawyer as well. Instead, they got rid of the evidence, and they did so less than 24 hours of the incident. One has to assume they looked at what was on the phone, or asked, and decided they didn't want Turner's lawyer to see it. Who at Stanford or the DA's office made those decisions?

- 5. Stanford's police did not record the license plates in the KA parking lot.** Again, totally false yet this is what Turner's lawyer was told three weeks later. In fact, Stanford police specifically said in various written reports, including what was filed as part of the criminal complaint against Turner, that they had recorded the license plates. So why did the Stanford police (or at least Stanford Det. Kim) lie, and why did District Attorney Jeff Rosen and prosecutor Alaleh Kianerci condone this lie? Same for everyone else in Santa Clara County government. And how can Stanford's Trustees, Stanford's administration and specific Stanford police officers who said they recorded the license plates (that is, Sgt. Barries, Dep. Edwards and Det. Kim) stand in the background, then and now, and not explain this major discrepancy and its impact on the wrongful prosecution and conviction of Turner? ***All of these parties still have Brady, state bar and other obligations to explain what otherwise appears to be the destruction of important and possibly exculpatory evidence.***

And why was it so important to get rid of this evidence? (1) One explanation is that, by eliminating the list of license plates, the DA and/or Stanford's police could prevent Turner's lawyer from identifying and interviewing eye witnesses, including the couple who were making out nearby as well as other people who could have corroborated Turner's testimony, including at the trial. (2) A second explanation is that Ms. Doe and/or her friends drove themselves to the party (possibly under the influence) and the list of license plates could have shown that, contrary to what they told police and later testified under oath. (3) A third explanation is that elimination of the list of license plates was to protect others at Stanford. Absent a public and documented explanation, this discrepancy alone should be sufficient grounds to set aside Turner's conviction and the related lifetime sex registry.

- 6. Turner ran from the scene and that proves his guilt.** False. One of Turner's very first statements, summarized in Stanford detective Mike Kim's written report, was that he didn't think he ran. Turner's statement to Det. Kim was made before Turner could have thought through anything, and Turner apparently thought this was all still a major mistake. He also said he was feeling sick and was getting up and moving away when tackled by the Swedish graduate students.

Third parties have subsequently done calculations of running times and distances, and those calculations are posted on the web:

<https://www.dcurbanmom.com/jforum/posts/list/1875/561843.page>. The calculations conflict with what the police and others later said. If these calculations and other materials are correct, who planted the false story about whether Turner ran, and if he did, under what conditions, how far and why – including what the two Swedish graduate students said? As shown elsewhere, Stanford Det. Kim later took the two Swedish graduate students to the scene, improperly together, which is contrary to proper investigative procedures, and tried to coach them to change their testimony. Incredibly, they still got it wrong and gave contradictory testimony at the preliminary hearing and then again at the trial.

- 7. Turner took and circulated a photo of Ms. Miller.** Again, totally false but carefully used in the media campaign against Turner that was already being orchestrated by Prof. Michele Dauber, a member of Stanford's law school faculty. A year later, the lie was used again at Turner's sentencing. According to a third party who knows the case well, the relevant screenshot explicitly shows that the photo was taken and sent by a specifically named member of the Stanford swim team (that team

member's name is known but not being included here). Moreover, Turner was already in police custody when the photo appeared.

Also, was this the source of the light that, according to public records and testimony, suddenly shone on Ms. Miller from someone standing over her along with others and while Turner had already been tackled by the two Swedish graduate students? And yet the DA, Stanford and Stanford's police didn't try to determine who was shining the light and then immediately fled from the scene. One would think this could be an important fact to ascertain, but apparently Stanford's police didn't, or if they did, they or others decided not to disclose it.

More than a year later, Deputy DA Alaleh Kianerci included in her sentencing memorandum to Judge Persky what she long knew was a lie about the photo and again accused Turner of taking and circulating it. Which allowed this lie to again be used in the false media campaign against Turner. The question also arises, when and to what extent was Stanford, including its athletic department, aware of these activities by members of their swim team? It's hard to believe they didn't know and, if so, was there no obligation for Stanford to speak up then, and even now, to correct this extraordinary falsehood that has been circulated against one of their students or former students (Turner)? And especially given the role of Stanford's own faculty member, Prof. Michele Dauber, in disseminating this false story as well as all the other false stories she and others have continually created and disseminated against Turner and Judge Persky. And remember, as chief investigating officer for the DA, Stanford Det. Kim was aware of and participating in all of this from start to finish.

Plagiarism at Stanford

Stanford defines plagiarism as follows:

"For purposes of the Stanford University Honor Code, plagiarism is defined as the use, without giving reasonable and appropriate credit to or acknowledging the author or source, of another person's original work, whether such work is made up of code, formulas, ideas, language, research, strategies, writing or other form(s). Moreover, verbatim text from another source must always be put in (or within) quotation marks."

Stanford's Office of Community Affairs | <https://communitystandards.stanford.edu/policies-and-guidance/what-plagiarism>

How can Stanford post at the memorial (contemplative garden) words Ms. Miller falsely said she wrote if a student would be punished for plagiarism for making the same false claims and engaging in the same false activities?

Faculty likewise are subject to severe punishment and academic scorn if involved in plagiarism in any way. That being the case, does no one at Stanford think it is a serious problem that Stanford is celebrating this blatant and ongoing lie about authorship? And is no one at Stanford going to address these serious violations of academic integrity by a member of their law school's faculty?

Excerpts from Official Stanford Police Reports

*Stanford police officer Jeffrey Taylor conducted the very first interview of Ms. Miller, done when she first woke up at the hospital emergency room. **Officer Taylor's report says Ms. Miller and her sister initially went to a party at Lagunita Court earlier that evening with a friend, rather than directly to the KA party later in the evening:***

"STATEMENT OF (VO1) VICTIM

"She is not a Stanford University student. She lives in [redacted] and came to the Stanford University Campus earlier in the evening of 1/17/15 with her sister, (001) [redacted] T. and a friend, (002) MAGGIONCALDA.

“They started out at a party at the Lagunita Court area, then later all three of them went to a party at Kappa Alpha. She did not know anyone else other than (001) [redacted] T and (002) MAGGIONCALDA at Kappa Alpha. During the party at Kappa Alpha, she drank only “Keystone Light” beer.

[Note that this last statement by Ms. Miller about drinking only Keystone Light beer was explicit in officer Taylor’s report yet also was a lie and was corrected by Ms. Miller in later statements and testimony.]

Ms. Miller told Stanford police something entirely different when she went to the Stanford police station that same evening, that is, still on January 18, 2015 and less than 24 hours of the incident:

“NARRATIVE

[As set forth in the official written report of Stanford police officer Carrie DeVlugt and as then attached to the criminal complaint against Turner filed with Santa Clara County Superior Court on January 28, 2015]:

“On Sunday, 01-18-15 at about 2025 hours, I met with (VO1) at the Stanford University Department of Public Safety (SUDPS) station located at 711 Serra Street, Stanford California 94305. She was at the station to pick up her cell phone, which was found by SUDPS deputies at the time of the incident. She provided the following statement, which was audio recorded. On Monday, 01-19-15, I transferred the audio recording on a compact disc, which I placed in the SUDPS Evidence Room, and entered the information into the SUDPS evidence database.

“STATEMENT OF (VO1) [Chanel Miller]

“On Saturday, 01-17-15, **at about 8:00 pm**, (VO1)’s sister received a phone call from her friend, (002) MAGGIONCALDA. (002) MAGGIONCALDA is a [redacted]. (002) **MAGGIONCALDA invited her and her sister to a fraternity party at Stanford University.** The party was at Kappa Alpha (Located at 664 Lomita Court, Stanford California 94305).

“She felt kind of silly going to a college party, but thought it would be fun to go with her younger sister. She had no intention of getting to know anybody or meeting anybody. She recently moved back home, and it was just something to do.

“**Her sister invited two of her friends**, (005) MC CANN and (006) MC ELHONE to the party at Kappa Alpha. They came to her house from a dinner party, where they had been drinking champagne.

“At about 10:00 pm, (VO1) had four shots of whisky at her home. Four shots of whisky usually gives her a good buzz, but she is usually sober in a couple hours. She also had a big dinner earlier so, she felt fine when she left to Stanford.

“On Saturday, 01-17-15, prior to 11:15 pm, (VO1)’s mother dropped her, her sister, (005) MC CANN and (006) MC ELHONE at the Tresidder Memorial Union parking lot (Located at 459 Lagunita Drive, Stanford California 94305.) From there, they walked to Kappa Alpha. They arrived at Kappa Alpha at about 11:15 pm. . . . *[Boldface added]*

[Note, contrary to the above, witnesses at the preliminary hearing and later at the trial testified that they had agreed much earlier in the day to go to the KA party. Also, two witnesses said they were dropped off in the Tresidder/Bookstore parking lot and one said it was in front of the KA fraternity house.]