

AFFIDAVIT OF EK

I, EK swear that the following is true to the best of my knowledge and recollection:

1. I am a student at Amherst College, Class of 2014.
2. During the 2011-2012 academic year, I was the roommate of Sandra Jones on the third floor of the Morrison Pratt dormitory.
3. Until I learned of the events that transpired on the early morning of February 5, 2012, I considered Sandra to be one of my closest friends at Amherst College.
4. Prior to the events of February 5, 2012, I had direct knowledge of Sandra's regular weekend practice meeting men and having brief sexual encounters with them. Sandra would report these encounters to me with dramatic detail. On at least one occasion, one of these encounters involved a man that a friend of hers had clearly expressed an interest in.
5. On or about February 4, 2012, I was participating in a weekend squash tournament at another academic institution and was therefore away from Amherst College.
6. When I returned to Amherst College on or about February 5, 2012, Sandra informed me that she had an intimate encounter with John Doe. Sandra told me that John Doe was very intoxicated, that he came on to her, that the two of them had kissed each other, and that she felt bad because she knew this would hurt my feelings. Ms. Jones apologized to me.
7. Sandra did not indicate to me in any way that John Doe had acted in an aggressive or otherwise inappropriate fashion.
8. Later that day, I spoke with RM a mutual friend of Sandra and mine. RM had apparently observed a significant part of the interactions between Sandra and John Doe in the common area on the fourth floor of the Morrison Pratt dormitory, and her recollection of the incident was different than Sandra. RM told me that John Doe was very intoxicated and had initiated contact with Sandra but that Sandra actively reciprocated

by kissing John Doe RM told me that she told Sandra that she should stop kissing John Doe because she was going to hurt my feelings, but Sandra continued without response and eventually left the common area with John Doe to go to our dorm room.

9. In addition to speaking with RM I also spoke to the students who lived in the dormitory room that was adjacent to mine, [REDACTED] and [REDACTED]. They reported that Sandra had gone to their room later in the day on February 5, 2012, and told them that she had had sexual relations with John Doe. They did not state that Sandra made any allegations of sexual misconduct. Instead she told them that she was remorseful for having sexual relations with the person I was dating. Sandra spoke to them about her subsequent sexual encounter with ML which they informed me of.
10. After hearing this, I decided to spend several days away from Sandra and therefore slept elsewhere.
11. When I returned, I informed Sandra that she had not been honest or straightforward with me when she told me what had happened with John Doe and that what she had done had hurt my feelings. Sandra again apologized.
12. Sandra and I continued to live together and remained friends for the remainder of the academic year. At no point did she indicate that John Doe had engaged in any sexual misconduct with her.
13. After learning about the February 5, 2012, incident, John Doe and I stopped dating, which Sandra was aware of.
14. However, later in the semester, I began dating John Doe again for a period of more than one month, which Sandra was also aware of. Sandra did not caution me to be wary of John Doe's sexual conduct or indicate any concern that I might be at risk of harm from him.
15. John Doe and I stopped dating long before Sandra had made allegations of sexual misconduct against him.
16. I learned of Sandra's allegation of rape against John Doe from John Doe himself. He told me that he had no recollection of what had actually occurred as he was too intoxicated.

17. At some point after Sandra accused John Doe of rape, [REDACTED] informed me that on February 5, 2012, immediately after the sexual interaction between Sandra and John Doe, Sandra had engaged in a text message exchange with DR who lived on our floor and served as our residential counselor.
18. Following Sandra's filing of her complaint against John Doe I was interviewed by the investigator, and conveyed to her the information about the text message exchange between Sandra and DR
19. At the hearing, I was surprised that I was not asked more questions. I was not familiar with the process, had no advocate, and did not know what to expect or what to independently offer.
20. Also at the hearing, I was surprised to find out that DR had not been contacted given that I had mentioned the existence of a correspondence between him and Sandra just after the events of February 5, 2012.
21. Following the hearing, I contacted DR and asked him whether he still had the text messages that he and Sandra exchanged on February 5, 2012. He confirmed that he had the text messages and he provided them to me. I have attached the text message exchanges to this affidavit as Exhibit 1.
22. After reviewing the text message exchanges between Sandra and DR on February 5, 2012, I could not help but reach the conclusion that Sandra's allegations against John Doe were not truthful.
23. I subsequently shared the text messages with John Doe
24. I am personally offended and harmed by Sandra's false accusation against John Doe. I believe that her conduct not only resulted in John Doe's wrongful expulsion from Amherst College, but it has made it more difficult for victims of sexual abuse to come forward without fear of being accused of fabricating their allegations of abuse. I have also lost faith in Amherst College's disciplinary procedures. Learning of the allegations and participating in this unjust disciplinary process has been unduly stressful and an unnecessary distraction from my final year at Amherst College.

Signed under the pains and penalties of perjury this
day of April 2014.

Date: 4/8/14



1

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9:08 PM

87% 

< Messages

Sandra

Contact

Feb 5, 2012, 1:13 AM

Popo shut us down

Ohmygod I jus did
something so fuckig stupid

What did you do

Fucked John Doe

FUCK

No you didn't....

official story is he puked
and I took care of him but
yes. Yes I did. FUCK

Sandra

what are you
doing????????



Send

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9:09 PM

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< Messages

Sandra

Contact

Sandra [redacted] what are you
doing?????????

Oh and apparently
^{ML} coming over so
nothing happened
everything's fine...

What?!!!! What did he
say???

I mean he's "teaching me
to play a board game"...
Idk we've been texting all
night but I didn't think he
was gonna come over.

GET IT INNNNN

Again?? Jesus ^{DR}



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9:09 PM

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< Messages

Sandra

Contact

Again?? Jesus^{DR}

Double your pleasure,
double your fun

Ahhhhhh stop this is so
fucked up

Also^{RM} [REDACTED],
and [REDACTED] saw us making
out... They're not gonna
believe that we left to NOT
fuck

Nooooooxw

Uh oh

Also [REDACTED] is bffs with
[REDACTED]



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9:09 PM

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< Messages

Sandra

Contact

Also  is bffs with
....

Also I'm pretty sure
John Doe was too drunk to
make a good lie out of
shit.

When does  get
back....?

TOMORROW

Yikes

Oh and my belly button
ring FELL OUT. So I guess
I'm just gonna say that
happened dancing????

Say you didn't put it in on
the first place. 2



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< Messages

Sandra

Contact

Say you didn't put it in on
the first place...?

Also dirty talk comparing
me to my roommate
should NOT DO THINGS
FOR ME



I can't take it out for the
whole first year! I have a
dangly earring in it now. A
dangly earring.

Wtf is your life

I KNOW WHAT THE
FUCK.

Wow. Wow wow wow



Send

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9:10 PM

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< Messages

Sandra

Contact

Wow. Wow wow wow

Also did you just tell [REDACTED]?
Because she just texted
me "eww"

No she probably read it
from mr phone

She's claiming she saw me
make out but not who.
LIAR

She's a lying slut

SHIT ^{DR} WHAT IS MY
LIFE MAKE THE
MADNESS STOP

The madness hasn't even
begun...



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< Messages

Sandra

Contact

The madness hasn't even begun....

Btw when I abruptly stop
texting you it's because
ML here lol

Not gonna lie I love your life

CAN WE FUCKING
TRADE? THE STRESS IS
KILLING ME

DON'T TELL [REDACTED]

Sure let's trade

I won't

Ok why is he just talking to
me??



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< Messages

Sandra

Contact

Sure let's trade

I won't

Ok why is he just talking to me??

In your room????

Like, hot girl in a slutty dress. Make. Your. Move.

YEAH

just make out with him already

Feb 5, 2012 11:06 AM

Ohmygod action did not happen til 5 in the fucking morning



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< Messages

Sandra

Contact

just make out with him
already

Feb 5 '12 11:59 AM

Ohmygod action did not
happen til 5 in the fucking
morning

Oh god ^{John Doe} came
back to find his phone. I
feel so baddddddd. Shit!

Also the first time he came
by I said "go away"..
Because ^{ML} was still
here.

5???? But damn it
happened with

ML

Yay!!! Ugh I

hate ^{John Doe}

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< Messages

Sandra

Contact

5???? But damn it
happened with
ML
??????? Yay!!! Ugh I
hate John Doe

Yeah it was REALLY cute
with ML after like a
bazillion hours of semi-
awkward conversation.
And yeah. I hate John Doe
too!!!

Like yes I am a shitty
friend but John Doe is a
shitty guy!!

Wait I'm dying that's so
adorable

The ML part...

Oh boy



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9:11 PM

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< Messages

Sandra

Contact

THAT'LL WORK RIGHT?

Also no one can know that
John Doe an i fucked
except for you and [REDACTED]...

But you have to tell EK [REDACTED]

But I can't. She would
literally never speak to me
again. She probably won't
even if i just say we made
out.

But you have to tell her!
She'll find out sooner or
later and it'll actually be
terrible if she finds out
from someone other than
you



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◀ Messages

Sandra

Contact

But you have to tell her!
She'll find out sooner or
later and it'll actually be
terrible if she finds out
from someone other than
you

Wahhhhhh but we aren't
telling anyone! No one is
going to tell her!

I'm positive [John Doe] told
at least someone else. And
so did you...

Ok you dont count! Fuckkk

If it helps your case,
[John Doe] was hardcore
sexting with [REDACTED] last night
too...so you can put all the



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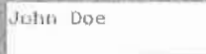

9:12 PM

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< Messages

Sandra

Contact

If it helps your case,
 was hardcore
sexting with  last night
too... so you can put all the
blame on him?

Whoa. ^{John Doe} really is a
dick. But I mean ^{EK}
knows me it's pretty obvi I
wasn't an innocent
bystander

Fuck. When does she get
back??

Not sure. This afternoon?

Although we didn't
technicallyyyy have sex.
So that's not quiteeee as
bad?



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9:12 PM

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< Messages

Sandra

Contact

Fuck. When does she get back??

Not sure. This afternoon?

Although we didn't technicallyyyy have sex. So that's not quiteeee as bad?

FUCK JUST GOT THIS FROM ^{EK} ': Haha funny considering he hasn't texted me all week. Be home in 90 or so mins, you'll have to tell me the story

Hahaha technically? I mean duh it's not as bad... but still



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< Messages

Sandra

Contact

Wait you told her
already????

No last night I told her he
was asking about her.
Which he was. Before e
started making out with
me...

WAIT WHATTTTTTTTTTT

YEAH IT WAS BAD OK

Holy fuck

And ^{RM} and [REDACTED] and
[REDACTED] just watched the
whole thing go down

Hot. Damn.



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< Messages

Sandra

Contact

Hot. Damn.

And then they told us to
get a room. So we did.

HAHAHAHAHAHAHAH

Ahhhhhhh i just called [REDACTED]
to confirm that I really do
have to tell her... Dickkk

*fuckkk

Hahaha freudian slip

His advice was to "not
bring up boys" or anything
until later...

Unhelpful.

I nt Freudian slip of mv



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< Messages

Sandra

Contact

Unhelpful.

Lol Freudian slip of my
autocorrect?

But she's gonna want to
talk about John Doe
because of your text

Oh fuck you're right.
DAMMIT

Yea...

Ok how's this: "hi ^{EK} !!
hooked up with John Doe
how was your squash
tournament?"

Sounds perfect

Great Awesome



Send

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9:13 PM

🔒 88% 🔋

< Messages

Sandra

Contact

Sounds perfect

Great. Awesome.

Are we sure I can't just
transfer to another college
and dye my hair blonde??

I'm pretty sure you'd still
have to be here until the
end of the semester...

YOU CAN'T MAKE ME
FOLLOW YOUR RULES

Hey, I didn't make the
rules!

Fuck^{DR}
out.

I am freaking



Send