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For Immediate Release

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## DA's Office Concludes Review of Alleged Sexual Assault in the College Area

The San Diego County District Attorney's Office has completed its review of an alleged sexual assault at a home in the College area near the San Diego State University campus on October 16 and 17, 2021. The DA's Office received San Diego Police Department's investigation on August 5, 2022, for review, which came with no recommendation by SDPD to file criminal charges.

In the intervening 124 days, sexual assault experts, including District Attorney prosecutors and investigators, meticulously analyzed all the evidence in the case, including over 35 taped witness interviews, the results of a Sexual Assault Response Team (SART) exam, DNA results, and evidence derived from 10 search warrants. The search warrants yielded four terabytes of data which included forensic evidence from cell phones and video evidence of the incident itself. In addition, the DA's specialized team worked with SDPD to conduct further investigation, which resulted in interviewing additional witnesses.

Ultimately, prosecutors determined it is clear the evidence does not support the filing of criminal charges and there is no path to a potential criminal conviction. Prosecutors can only file charges when they ethically believe they can be proven beyond a reasonable doubt.

*(During the course of the investigation into the alleged sexual assault, SDPD opened a separate investigation into alleged possession of unlawful pornography by 19-year-old Nowlin Ewaliko. That investigation continues and is not connected in any way to the alleged sexual assault.)*

The District Attorney's Office met with the young woman at the center of this case twice and offered support from the DA's Victim Services, consistent with trauma informed practices of the DA's Sex Crimes Division.

Given the understandable public interest in this case, the DA's Office has a responsibility to inform the public about the process followed during the review and the conclusion reached under the law, while preserving the dignity of all individuals involved.

In conducting its review, the DA's Office evaluated the case for various potential criminal charges against the SDSU students including statutory rape, forcible rape, forcible oral copulation, rape by intoxication, and oral copulation by intoxication. Anytime prosecutors are evaluating cases like these, they must consider the totality of the evidence, including:

- whether there were material, consistent or inconsistent statements by individuals
- video evidence which may support or contradict specific allegations
- prior and post incident actions and statements by the individuals involved regarding age, consent, or other elements of the crime being reviewed, and
- the expertise of forensic medical examiners

It's important to note that the criminal justice system and the civil court process are very different, with differing burdens of proof. The DA's Office must rely on facts and evidence and not on civil court filings or other reports in the media if not verified by admissible evidence. The expert and experienced team of Deputy District Attorneys and DA Investigators reviewing this case have been thorough, thoughtful, and careful to take the constitutional and statutory rights of all involved into consideration before concluding that the DA's Office cannot ethically file criminal charges in this matter.

The DA's Sex Crimes and Human Trafficking Division regularly files and prosecutes sexual assault cases, bringing perpetrators to justice. The conclusions reached in this review are specific to this incident and should not discourage any victim from coming forward and reporting a crime to law enforcement.

If someone is a victim of sexual assault, they should call 911 and report it as soon as possible to police. The District Attorney's Victim Services Division can be reached at 619-531-4041. The Center for Community Solutions operates the only 24-hour toll free County-wide crisis line for crisis intervention and information and referrals related to sexual assault at 1-888-385-4657.

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***About the San Diego County District Attorney's Office***

*The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.*

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