

July 19, 2016

Your Honor:

I would like to first thank you for allowing victims like myself to have a voice by presiding over this case not once, but twice. It is unfortunate that we've all had to meet under these circumstances; nonetheless, I am grateful for your time.

Today is a day when we are reminded of our humanity.

Our actions are what define us when nobody is watching. On July 9th, 2012, Lang Her took advantage of an intoxicated and unconscious woman. People have asked that woman why she did what she did. And I will answer for her:

My response is that I do not exist for anyone's entertainment purposes or to fill in anyone's curiosity. I am also not here to explain to you *why* I was at Lang Her's apartment in the first place, *why* I didn't do anything else other than what I did, and *why* I didn't call the police sooner. Even if I did take what people think of as "all the right steps", we'd still be here. The truth is, I shouldn't owe anyone an explanation! But I'm here.

Unfortunately, these types of questions are asked and needed far too often from someone who has experienced sexual assault, one of the most traumatic experiences that could happen to anyone. And the burden is *almost always* on the survivor to prove that they *are or were* a victim of sexual violence—which further perpetuates our rape culture that continues to excuse rapists for their heinous actions. *I was a victim to sexual assault, but I stand here today as a survivor.*

Going over to a friend's house *never* justifies someone getting raped. Drinking with friends until drunk *never* justifies someone getting raped. Sleeping next to a friend in the same room *never* justifies someone getting raped. And believe me when I say that those who believe that someone's actions made them deserve rape are *cowards and fools*—just like Lang, including those who have continued to protect him.

That woman who was raped in 2012 could have been your daughter, sister, niece, aunt, and cousin. And it was someone's daughter. When Lang raped that woman in 2012, that violation was felt amongst all rape survivors and their loved ones. That woman gave Lang many chances to come clean, wash away his sins, and keep whatever *self-confidence* he had left. But he decided to toss his opportunities away. So he's here because of his actions.

And today, Lang knows what he did to that woman—he knows what he did to *me*.

My name is Yee Xiong and I am here today to reclaim my worth and my story.

Given everything we have seen and heard throughout this trial, let alone what I have experienced, I want justice in every way possible just like any other survivor would want. In the past four years, I have endured what many survivors have endured and let me tell you just an ounce of what I've experienced, because God knows Lang Her has been given too many opportunities to continuously spit at you and the law through his lies.

My world turned upside down the minute Lang Her decided to rape me. It didn't matter if I was drunk or unconscious...Lang Her raped me. And I don't know *why* every question imaginable was asked like: Why were you there in the first place? How much did you have to drink? What were you wearing? Why didn't you call the cops? Why didn't you walk home? Why didn't you go knock on your friend's door? Why didn't you do anything right?! Well, I did. I did everything I believed was and IS RIGHT. Again, I don't understand why it is almost always up to the victim to explain what went wrong? Why is it that the burden is always on the victim to prove that a crime was committed against them especially when sexual assault does not discriminate against

age, race, gender, or orientation? The following comparison will not and cannot be equivalent to sexual violence, but I must use it in order to paint a clearer picture to those who cannot see the full picture. Do you ever wonder if victims of robbery asked to be robbed? Was their house too colorful and it caused attention to itself for it to be robbed? Was it because their business was too successful and it caused attention to itself for it to be robbed and vandalized? Do victims of robbery go around asking people to rob them just for the attention? Of course not. So why is it that when it comes to rape, the argument is almost always because “she wanted it” or “she consented to it”? People who are ignorant will find many ways to discredit a woman’s ability to speak out against their perpetrators. But where there are ignorant people upholding rape culture, there will always be people fighting against ignorance and rape culture.

The facts are this: On the night July 9th, 2012, I woke up to Lang raping me. After violating me when I was unconscious, he went back to his bed as if nothing had happened, thinking he would get away with it because nobody else saw or heard what he just did to me. Scared for my life, I did everything I could to survive. The following day, I decided that my best bet was to act like nothing had happened. I was afraid that Lang would further assault me or worst, kill me, if I knew what he did to me. So I played along with his act, and had to force myself to feel “nothing”, but every single cell inside of me was exploding with rage, anger, fear, and disgust. Still, I had Lang stop by my apartment and drop me off at school so he wouldn’t suspect anything. I was sure that if he could go back to bed and acted like or believed nothing happened after he raped me, he could also kill me if I confronted him or swayed away from the plan to get me to school. I also knew that if I didn’t tell someone, I was going to tell myself that it didn’t happen—that I imagined it—that I let it happen. When I arrived to campus, I was in so much distress. My body was sore and it ached for rest. When my professor Alex Luu saw that I was in distress, he tried to comfort me, and allowed me some time to collect myself together. As I sat by myself outside of class and heard my classmates coming in, I didn’t know what to do. These were classmates I have only known for a few weeks. I didn’t know how to act in front of them and I didn’t know if anyone of them was going to believe me if I ever told them. I decided that I was going to keep it to myself and try to go about class for the rest of the time that I was there. Except... during our check-in time, I couldn’t hold myself together anymore and told my classmates that I had just been raped. I didn’t know if they were going to support me, but I took a leap of faith to tell a group of individuals what had happened to me. And I was so fortunate enough that they also took a leap of faith to believe me. It wasn’t an easy or proud moment, but it was a necessary moment. It was necessary when I decided to talk with a counselor, meet with a Victim Advocate, and decided to go home to sleep. It was necessary when I told my friend what happened, when I told my sister what happened, and it was especially necessary when I reported it to the cops and filed a report through Student Judicial Affairs at UC Davis.

The steps I’ve taken may have sounded or looked “easy” to those who have not experienced trauma, but every step that I took was with chains tied to my back.

Nobody could ever imagine the amount of weight I carried, unless they have been through it themselves. Knowing that rape cases are hard to prove, let alone how difficult it is for survivors to come out to talk about it, I could’ve easily given up. But I know so many survivors who didn’t even get the chance to stand trial and stand up against their assailant. And I know that if they had the right supporters and proper support that they deserve, they would have been fighting for their justice through every way they knew how, just like me.

For some, I may come off as a loud, stubborn, and opinionated woman of color, but it doesn’t make me vindictive; it makes me human. So, Your Honor: when human rights are violated, you must decide how severe the consequences must be: you hold that power to decide how criminals should pay for their actions. Five years of probation, sexual registration for the time of probation, and a minimum three months of sexual counseling is not enough to teach Lang that his actions have brought insurmountable psychological and physiological trauma, and financial losses upon another human, me. Throughout this ordeal, Lang has not shown an ounce of remorse and on top of it all, he has made it his goal to save himself by blaming me for all of his actions. His lies are obvious. When he didn’t know what odds were stacked against him, he swore up and down that he didn’t touch me. After DNA was found, he swore up and down that he did touch me, but only because I “wanted it.” He may

not be a “sexual deviant”, but you don’t have to be a sexual deviant to rape someone. You also don’t need to have a speeding ticket to become a rapist.

He knows how pathetic he is right now and always has been. He couldn’t get anyone else to say yes to him, so it was “just one of those nights” that he decided to rape someone who was passed out and intoxicated. Can you imagine how many of “those nights” he’s had when he’s had to “take care of his guests” when they were drunk? Does he describe raping someone as taking care of his guests?

In those tapes, in the pre-text phone calls, I asked him why he raped me. He couldn’t answer.

He couldn’t answer because he knew that I knew. And during trial, the defense lawyer said we were talking on both sides of our mouths. Talk about “talking on both sides of their mouths”, Lang was trained to talk on both sides of his mouth, and of course when Lang and his lawyer thought that no DNA would ever be found, it wasn’t surprising when Lang denied ever touching me, or when he said he may have just “grazed over my vagina” with his flaccid penis but oh, “no penetration”, and then when they heard that there was DNA, it’s no surprise that both Lang and his lawyer fantasized really disturbing images of us having “consensual sex”. So which version is it?

Lang and his lawyer just forgot that a woman doesn’t have sex with their tampon on. And, women can’t consent to sex when they’re drunk and asleep. I never thought I’d witness such ridiculous and incompetent tag-team partners. And all this time, I thought two heads was better than one. Turns out that we have a real case where this theory has been disproven, starring Lang Her and Christopher Carlos.

Your Honor: When Lang raped me, it wasn’t just one night of violence. What Lang did to me will forever be seared into my mind and body; my body never lets me forget what happened. Do you know of the physiological damages that survivors face following a rape? Since the incident, my physical health has deterred, causing me to have low self-esteem, become socially anxious, gain an unhealthy amount of weight, and worst of all: miss classes—missing classes was embarrassing and a shame. Throughout the years, I have had many classmates question me about my whereabouts, the quality of my participation in class, and contributions to assigned team projects. I have had so many conversations with professors about why I’ve missed so many classes or will be missing so many classes. To some professors, my feelings of fear and paranoia during class were overlooked. Some even said that I was taking advantage of their leniency. When I spoke with a professor to explain what could cause me to “check out” in class, fall behind in class, or even fail to participate in class, she told me that it was going to be my full responsibility to perform like I was never raped; as if it was as easy as a click of a button to switch gears and to not stay depressed because I chose to be depressed—it wasn’t Lang’s action that caused me to be depressed. But it’s because of Lang’s actions that I’m here.

Since that night til last June 2015, I have withdrawn five classes and failed six classes. What Lang did to me, cost me my double degree, and thousands of dollars just to enroll in summer classes to play catch up. I have had unpredicted waves of night terror and sleep paralysis over the past four years, and more will come. Even sleeping on campus wasn’t safe: Can you imagine taking a nap on school campus, only to dream that you were being raped at that same spot you slept on?

Today is also another day when we are reminded of our dignity.

As I sat up on the stand to testify, it was indeed my life on trial. Maybe it wasn’t personal and someone was just doing their job to ensure that his rapist client had some representation, maybe not. But I can’t ever stomach the idea of representing someone who is a rapist; and I hope that Mr. Carlos can go to sleep every night, feeling good about himself, for not only protecting a rapist, but arguing that somehow sexual assault survivors are delusional, have border-line personalities, and are asking for “that” kind of attention when they come out.

I've watched my parents come to court every single day, and if someone did their research well enough, they'd understand that not all Hmong parents are alike. I thank my parents everyday for showing me what it's like to be strong and to uphold my dignity. Some people may see them as quiet people. I don't. I see their quiet demeanor as resilience to war, poverty, violence, and discrimination. It is their *resiliency* that I chose to speak up—for they taught me how to stand up for myself. Today, I decide if I let this incident define me or not. And I also thank my parents for being brave—not just brave enough—but *incredibly brave* to let their daughter decide what to do with her body and spirit.

Lang can say that the next five years of his will be difficult; he won't have the luxury of going to certain places, living near certain places, working for certain places, and so on. But he should have thought of that before he webbed his lies together. So please consider what I have experienced for the past four years before sentencing him. If he can perjure his way through two trials, then he will surely try to do anything to plead his way out of any additional consequences on top of his five years of probation. Now is not the time to sympathize with Lang, but to determine the proper sentence that matches his crime. Even though he has pleaded guilty to a felony assault, it is just as much as him pleading guilty to a rape charge. Lang knows that if he didn't settle, he was going to face even more serious charges.

I have also had to put off a confirmed job appointment for the past two years just because of these trials. And I expect to be compensated for lost wages—I will never be healed through this compensation, but it will give me some justice. I hope that you can set restitution as to be determined, as I continue to collect myself and my thoughts.

Again, Judge Richardson, I hope you consider my psychological, physiological, and financial losses and determine that Lang should be punished to the fullest extent of the law by serving him with jail time on top of his probation.

And if I may, I would like to directly address the following to Lang and all of his supporters.

Lang,

Did you think I was going to stay quiet and let you get away with raping me? For someone who prides himself on being a “good Christian boy” and an “educated” man, you really screwed yourself over. Did you really think I was going to accept your marriage proposal or your money to buy my silence? You really are the coward and fool that you know you are. You're pathetic, desperate, and a monster. You tried to find every way to put a stop to my fight for justice and have gathered blind followers with you to attack me in every way that they can. You thought you could create lies about me so that you wouldn't have to feel so bad about raping me, so you can try to justify why you raped me in the first place, and sleep better at night. What you didn't know about me when you raped me is that I am a fighter; you picked on the strongest woman to fight so when you're wondering how you got yourself in this situation, blame yourself. You brought this upon yourself. I'm not sorry that you are here. I'm not sorry that your parents are here. In fact, I pray that you and your family will experience a shred of what my family and I have had to experience in the past four years. I don't feel sorry for you or your family. The fact that you tried so hard cover up your tracks and have never showed an ounce of remorse give me even more reason to think that you shouldn't be able to sleep peacefully at night. Your family and you deserve nothing good in your life. I am done with you and your family putting on a show for the attention. And I am done with you having a say on what has happened and having any more influence over the way I live. Your parents must have taught you how to rape because they do a damn good job of protecting a rapist like you. Are you embarrassed now? You should be. And you and your family should also be ashamed of yourselves for coming into my parent's house like that and desperately begging us to sweep this under the rug? I would turn over the graves of my ancestors and dig my own grave before becoming your wife.

Like my mother says: “Sauv muaj ntuj, hauv muaj av.” There is a greater witness and greater force in this world that you will have to answer to—and when that day comes, your lies won't save you. You can tell yourself

that your God could save you from damnation, but even your God won't save you. So you better pray that when your day of suffering comes, it won't be as foul and monstrous, as what you did to me.

And because you never answered my question in terms of why you raped me that night, I will answer it for you:

“Yee, I raped you because I felt pathetic. Yee, I raped you because I felt that you were too good for me, so I wanted to show you that I was good enough. Yee, I raped you because I knew you were drunk and passed out, and I thought I would get away with it. Yee, I raped you because I'm dumb enough to think that you were going to let me get away with it.”

You have been given too many second chances to come clean. So know that when you have to answer to your God, He will deny you and your family gates to heaven because if there were an express train to hell, you'd be the first one to go, along with your lawyer, and along with your family.

Mr. Carlos, you tried. And your best wasn't good enough. Know this: God forbid anything should happen to your wife or your daughters, but I wouldn't be surprised if you were the first one to sign up to protect your wife or your daughter's rapist. You were just doing your job! Well, you did a damn job of painting yourself as a rapist supporter. *I know any competent lawyer would be able to fight in court without relying on victim-blaming and upholding rape culture.* You deserve many years in hell with Lang; you two are perfect together.. And you know what, for all of the times that you insinuated that I had this “dirty relationship” with my advocate, I'm telling you, today, Mr. Carlos: please stop projecting your feelings with Lang onto me and my advocate. I mean, technically, you two have just been together as long as we have. I'm sure you two have developed intimate and deep feelings with one another. Carlos being there for Lang whenever he needed him, and vice versa. You're starting to realize how stupid you sounded throughout this whole trial now, right? If you don't, now you know.

Lang, you, your lawyer and your family no longer deserve the time of day. You no longer deserve my time. You are nothing and your legacy is *nothing*. You won't be missed or remembered, but if you are missed or remembered, it will be your story as a rapist and how he led blind followers to their deaths. So pray to your Gods together that he open the heavenly gates for you.

And, Your Honor: This may not be the proper time to give thanks, but I believe it is, and I want the record to reflect that. For if not for the amount of supporters that I've had, I wouldn't be standing here today.

Today, and like every day, is another day of victory for the millions of survivors across the globe. Today, we celebrate.

We celebrate women who should have full control of their bodies and sexuality. We celebrate women who are not entitled to any one person. We celebrate women who give no cares about the men that choose to stand in their way to liberty.

I thank my friends, teachers, witnesses who testified on behalf of me, and even strangers who have chosen to believe in my story and me. I want to take this opportunity to thank the following in no particular order: Professor Hamilton and the rest of the professors who have supported me throughout this ordeal, Alex Luu, Michelle, Diane, Laura, Lyia, Lisa, Ivanna, Tiffany, Richard, Robyn, Narvy, Quynh Anh, Nancy, Teresa, Kirby, and anyone else that has shown support that I may have missed or are present today. I give thanks especially to my family, cousins, and relatives for their unconditional support.

I thank the Victim Advocates, such as Julia Hernandez from the DA's Office and Jacquelynn Lira from CARE at UC Davis, who have such amazing hearts and passion for so many men and women who have been victims of sexual and/or domestic violence. Forget anyone who is upset that you're doing more than your job and never mind anyone who thinks you are mere cheerleaders. You are strong reminders that we have options and rights, we have dignity and power, and we are worthy of love and support—even after traumatic experiences. In you, I

have remembered what it feels like to have my voice. I thank you for believing in me; I thank you for your utmost patience, time, and understanding.

I thank the rest of the DA's Office for seeing the *truth* and representing what it looks like to fight for justice:

To Deputy District Attorney Amanda Zambor, you're fierce as hell. Thank you for believing in me. I hope you never lose that contagious passion and that amazing smile of yours. Your loved ones should be extremely proud of you for always giving it 110. You literally gave birth to a baby who fought the same fight you did; and I hope that it can serve as a great night-time story from time to time when you think of all the battles you've fought. And if I should ever become a lawyer, you would definitely be my source of inspiration.

To Chief Deputy District Attorney Jonathan, you're really extraordinary. Thank you for believing in me when Amanda had passed the baton over to you; it was such a smooth transition that nobody saw what was coming. I love how meticulous you are and I applaud you for respecting and standing up for women. Your family is so fortunate to have you as a son, husband, brother, and dad; you lead by example and your daughter must be so proud of you.

To Jennifer Davis, you're the definition of a fierce woman. Thank you for believing in me, and being extremely transparent during this entire process. You've given me a lot of hope in the criminal justice system. You hold your own and are able to do your job so well. I appreciate every effort to reach out and to get the truth.

To Ahnna, I've only met you recently, but I'm so glad to have met you. Continue on this path because I know that you will always choose to fight against injustices.

To Jen B., you have been so kind and helpful; I am so grateful that you were able to help my family and me get justice.

And to Kirby, my loving partner, I love you. Thank you for being so supportive throughout these four years as a friend and as a partner, I couldn't have asked for more; thank you for holding my hand throughout this process and being patient with me. Thank you for choosing to believe in me.

Your Honor: Thank you for your generosity and time. Please sentence Lang to the fullest extent of the law, and grant me some justice so that I, along with my many loved ones who have been just as heavily affected, may continue to live my life in good health and peace.

Thank you.

Yee Xiong