

CURRENTLY 2,257 EXONERATIONS
MORE THAN 19,790 YEARS LOST

OLIVER JOVANOVIC



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In December 1996, 30-year-old Oliver Jovanovic was charged with sexually assaulting and kidnapping a 20-year-old Barnard College coed whom he met in an online chat room in New York City.

The victim alleged that in November 1996, after she went out to dinner with Jovanovic, a doctoral candidate in molecular biology at Columbia University, he had held her against her will for two days in his apartment. The woman told authorities that he had tied her up, dripped wax on her genitals and breasts and sodomized her.

Jovanovic went on trial in New York County Supreme Court in April 1998. The victim described how, in the summer of 1996, while she was home for the summer, she logged into a chat room called “Manhattan” looking for Columbia College students. She received an instant message from Jovanovic and a lengthy correspondence developed that soon became intimate and strange.

According to emails introduced as evidence, Jovanovic said he was interested in the grotesque, the bizarre and the occult and the woman said she was interested in snuff films—films in which a person is actually killed.

Their exchanges continued into the fall of 1996 and in November, the woman asked if Jovanovic had any ideas for snuff films. Jovanovic suggested a film based on the true story of a woman who had been killed a month earlier by a man she had met in person after they developed an online relationship.

Jovanovic and the woman emailed back and forth discussing snuff films and the woman said she was interested in a “tall dark dismember-er.” Over several days, they continued to exchange emails in which they discussed taboos and how taboos were meant to be broken.

They agreed to meet for dinner and a movie on November 22, 1996. But dinner ran too late to see a movie and they went to his apartment to watch a video.

The woman testified that they looked at a book of photographs by Joel Peter Witkin which depicted corpses in grotesque poses and watched a video in which Muppet-like characters engage in sexual or violent behavior. She said that when the movie ended, she wanted to leave, but Jovanovic persuaded her to stay and they engaged in a long discussion about a variety of

State: New York

County: New York

Most Serious Crime: Sexual Assault

Additional Convictions: Kidnapping

Reported Crime Date: 1996

Convicted: 1998

Exonerated: 2001

Sentence: 15 to Life

Race: Caucasian

Sex: Male

Age at the date of crime: 30

Contributing Factors: Perjury or False Accusation

Did DNA evidence contribute to the exoneration?: No

subjects, including the existence of good and evil.

At some point, she said Jovanovic ordered her to remove her clothing and that she did because she was intimidated. She said he tied her to a futon and got a candle and dripped wax on her abdomen and her breasts. She testified that she pleaded for him to stop, but he then pulled aside her underwear and dripped wax on her vagina. She said she screamed, so he gagged and blindfolded her and bit her nipples.

She testified that he left the apartment to move his car and when he returned, he untied her and took her into his bed. She said he later hog-tied her and sexually assaulted her anally with a baton or his penis. She said her next memory was waking the following day still hog-tied. That evening, she told the jury, she was able to untie her legs. She said that Jovanovic tried to restrain her, but she was able to put on her pants, sweater and boots, collect her underwear and bra, unlock the door and escape.

The defense alleged the events were consensual and sought to introduce emails buttressing that claim. The emails included an exchange the day after the woman said she escaped in which Jovanovic said she had left behind a gold chain and offered to mail it or drop it off at her dormitory. He said, "I have a feeling the experience may not have done as much good as I'd hoped because you weren't acting much smarter at the end than you were at the beginning." He added, "I hope you managed to get back all right."

The woman replied by email a day later, saying she was "purged by emotions, and pain" and that she was "quite bruised mentally and physically, but never been so happy to be alive." She said, "Burroughs best sums up my state... the taste is so overpoweringly delicious, and at the same time, quite nauseating."

The judge barred those and other emails, citing the rape shield law which protects rape victims from being questioned about their prior sexual history.

On April 15, 1998, Jovanovic was convicted of kidnapping and sexual abuse and sexual assault, but was acquitted of sodomy. He was sentenced to 15 years to life in prison.

In December 1999, the Appellate Division of the New York County Supreme Court reversed the conviction and ordered a new trial, ruling that the emails were an integral part of Jovanovic's defense.

The emails that were improperly excluded included one the woman wrote after the attack in which the woman said she was dating someone who was a sadomasochist. "Now I'm his slave," the email said, "and it's painful, but the fun of telling my friends, 'Hey, I'm a sadomasochist' more than out weighs the torment."

In another subsequent email, the woman told Jovanovic that she was submissive and used a slang term for a submissive partner in a sadomasochistic relationship to describe herself.

The appeals court said, "As the case stood, Jovanovic was precluded not only bringing out the degree to which the (victim) seemed to be inviting sadomasochism," but from examining whether she was "a less-reliable narrator of events than she appeared to be at trial."

On November 1, 2001, the prosecution dismissed the case, saying the victim did not want to testify again. Jovanovic was then released. Jovanovic later filed a federal civil rights lawsuit, but it was dismissed.

—*Maurice Possley*

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