

Ride still haunts him



Yi-Chin Lee / Staff photographer

Khandaker Rahman had to wait more than eight months for DNA results that led to dismissal of his sexual assault charge.

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The ride that upended Khandaker Rahman's life lasted 10 minutes: a seemingly unremarkable 5-mile Uber drive in June 2019.

Two years later, Rahman's life remains in chaos, as he battles an allegation of sexual assault despite DNA evidence and GPS data indicating he didn't commit the crime. The woman who reported being assaulted that night is still waiting for the actual attacker to face justice.

The allegation, Rahman's lawyer claims, was allowed to spiral

Uber driver cleared of sex assault charge says allegations destroyed his reputation

out of control amid an inadequate police investigation hampered by Uber corporate policies. It took more than eight months – until February – for Rahman to get DNA results that prompted prosecutors to dismiss the charge against him; and law-

yers suing him finally withdrew their case against him Wednesday.

The 55-year-old Bangladeshi man says the accusations destroyed his reputation.

Rahman, who immigrated to the U.S. in 1993, spent decades

selling insurance before becoming an Uber driver. It let him spend more time with his wife, Mabrouka Rahman, and their daughter, Ayat.

At 2:22 a.m. on June 12, 2019, he accepted a trip to drive a young woman from a Whataburger in west Montrose to a home in East Downtown.

Two women had spent an evening hitting three bars – the Eighteen Twenty Lounge, the Interio and Howl at the Moon – before ending at Whataburger.

When Rahman's passenger got into his Toyota RAV4, she told him that she and the friend had

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Dane Schiller, Harris County District Attorney's Office spokesman

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DRIVER

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Just had another ride and an "issue" with the driver.

Rahman said he couldn't help but suggested she contact Uber.

He drove her the 4.8 miles to her home in East Downtown and then picked up another rider headed for George Bush Intercontinental Airport.

The next day, he discovered he'd been locked out of his Uber account. Alarmed, he called the company.

"We are doing an investigation on one of your trips," he was told. A few days later, he was told the issue had been resolved; he resumed driving.

More than a year later, however, he received a letter informing him there was a warrant out for his arrest.

He called a cousin who worked at the Harris County Sheriff's Office who confirmed that he'd been charged with sexual assault — by the passenger's friend, a woman he said he never met and who had never been in his car.

His next call was to a lawyer.

The victim — not identified in court documents — told police that when she and her friend hailed an Uber from Howl at the Moon to Whataburger, the driver had gotten out of the car and asked to hug them. Then he groped one of the women, according to court documents.

When they arrived at Whataburger, the friend asked the woman to eat inside and got out of the vehicle.

But the other woman remained in the car.

Court records show the woman who got out of the vehicle turned around and took a picture of the Chevrolet Traverse because she "felt uneasy about the driver." She ordered another Uber, but when she turned around, the car with her friend still inside was gone.

The woman who remained in the vehicle said she she briefly closed her eyes and that when she opened them again, she was alone. The car was parked.

Court records show that she told police that the driver raped her. The woman told police that she "clearly saw" the driver's face and that he had "puffy eyes and chubby cheeks."

Police investigated the case, and ultimately showed a photo array to both women, who identified Rahman as the driver.

At the time of the allegation, Mabrouka was days from giving birth to their second child.

In their traditional Muslim family, she stayed home and took care of their two daughters, Ayat and Aliza, the younger of whom was born the same day Uber cut off Rahman's access to the app — again.

That same month, attorney Michael Nguyen sued Rahman and Uber on behalf



Yi-Chin Lee / Staff photographer

With his family nearby, Khandaker Rahman goes through documents while explaining the sexual assault charge he once faced.

of the rape victim.

As Uber has grown to become the most prolific ride-hailing app, it has drawn significant criticism over rider safety. In 2018, the company reported more than 3,000 sexual assaults or attempted sexual assaults during about 1.3 billion trips. (Drivers were accused in about 54 percent of cases and riders in 45 percent, according to the report.)

At least two Houston-area women have sued Uber in recent years after rides in which they say they were sexually assaulted by the company's drivers. One of them argued in her suit that the company has made it hard to get information about assaults during rides.

Rahman has had two run-ins with the law over the past three decades: a speeding ticket in 1997 and a domestic violence arrest in 2014, which ended with deferred adjudication, a form of probation.

But he and his attorney strenuously rejected the rape allegation. Rahman says the victim never got in his car — he drove her friend home. What's more, he says, records show that he immediately picked up another passenger and drove 24 miles to George Bush Intercontinental Airport.

Rahman's attorney, Alan Cohen, argues that if police had properly investigated, Rahman would never have been charged. First, the GPS data from Uber that Cohen obtained and shared with the Houston Chronicle shows that it would have been impossible for Rahman to have committed the assault.

Data shows him accepting a trip at 2:22 a.m. to pick his passenger up at the Whataburger. A receipt for the 4.5-mile ride shows that it

lasted 10 minutes, ending at 2:37 a.m., according to court documents Uber filed in the case.

Immediately, Rahman accepted another fare to drive another passenger to Bush.

"You don't have to be a cop to solve this — or at least exclude this guy as a suspect," said Rudy Vargas, a former narcotics officer who now works as a private detective and investigated the case for Cohen.

Then, there was the picture that Rahman's passenger had taken of the car they took to Whataburger. That vehicle was a Chevrolet Traverse registered to a woman living in northwest Houston. Rahman drove a 2018 RAV4.

While investigators collected DNA at the scene, test results didn't come back until February. Forensics testing failed to find any trace of Rahman's DNA, Cohen wrote in an email to Rahman. Prosecutors were dismissing the charges against him.

"We believed you," he wrote. "Congratulations."

In an emailed statement, a spokesman for the Harris County District Attorney's Office said criminal charges were initially based "on the evidence brought to them by police," noting witnesses were confident they had identified Rahman and police believed they had probable cause to pursue charges against Rahman — backed by similar findings from a magistrate judge and a grand jury.

"Mr. Rahman has been through an awful lot; this entire ordeal is very unfortunate," spokesman Dane Schiller said. "We follow the evidence in our search for the truth, and sometimes what we learn requires us to dismiss a charge, and head in another direction."

Houston Police spokesman Kase Smith said even after charges were filed, investigators continued working the case. After new evidence emerged — including the DNA results — the sexual assault charge was dropped, he said.

"We are pursuing new leads as we speak," Smith said.

Based on the DNA results, Nguyen withdrew his lawsuit against Rahman on Wednesday.

The ordeal had exacted significant trauma on his client, the victim. "She's trying to put the pieces of her life back together," he said.

Officials at the Houston Forensic Science Center said backlogs delayed testing of the sexual assault kit.

In a written statement,

HFSC CEO Peter Stout apologized for the ordeal Rahman suffered, saying he was "keenly aware" that each lab result affected multiple people.

"There are the victims, survivors, suspects, defendants and the families of each of them," he said. "It is why we are committed to eliminating backlogs and striving for a 30-day average turnaround time. To Rahman directly I would say, 'I'm sorry.' I cannot begin to imagine the pain to you and your family. Unfortunately, the survivor is also suffering here since she still does not have closure. And, we don't know who the actual perpetrator is to get them off the street and prevent other crimes from being committed."

An Uber spokeswoman declined to discuss Rahman's case, citing Nguyen's lawsuit. If suspended drivers want to reactivate their account, they have to submit a document from law enforcement stating they've been cleared of all charges and passed a new background check, according to the company.

Since Uber kicked him off its app, Rahman has been unable to find work for nearly a year, and he had to turn to relatives and his mosque for help, Cohen said.

"He lost his dignity and self-worth and pride," Cohen said. "He's the guy who comes to the U.S. with nothing, never asked for anything, earned everything on his own — and this was all taken away from him."