

Defendant's girlfriend testifies in Yale sexual assault trial

By **Randall Beach**



Saifullah Khan, a former Yale student on trial for allegedly sexually assaulting a female classmate, leaves New Haven Superior Court on a recent afternoon.

The long-term girlfriend of defendant Saifullah Khan, who is on trial for sexual assault charges, testified Monday she had a “Hi, how are you?” phone conversation with the complainant at what might have been about the time of the alleged assault.

The surprise testimony came at the end of a long day of witnesses called

by defense attorney **Norm Pattis**.

Khan, 25, is charged with sexual assault in the first, second, third and fourth degrees for the sexual encounter, which he says was consensual. Both he and the complainant were then Yale students in their senior years.

Khan's girlfriend said she met him in 2011 when they were students at the Hotchkiss School in Connecticut.

When Pattis asked her if the two of them were “more than friends,” she replied: “We are currently in an open, long-distance relationship.” She is living out of Connecticut.

Asked to explain, she said: “We have a commitment but you can have sexual partners if you want to. Both of us are OK with this.”

She said they have had this kind of a relationship for the past 6 1/2 years.

When Pattis asked Khan's girlfriend if she knew the complainant, she said she did and that they met when they both took a physics course at Yale in 2015. The alleged sexual

assault occurred on Nov. 1 of that year.

The complainant testified last week that she became inebriated at an off-campus party and then sat next to Khan at a midnight Halloween symphony concert at Woolsey Hall because he helped her get inside. She said she was too drunk to access her ticket on her cellphone and he offered to help her.

She said she threw up twice in Woolsey Hall and he then walked her to her room at Yale's Trumbull College. She recalled vomiting a third time in her room and collapsing onto her bed. She asserted she felt him on top of her during the hours that followed but she was too inebriated to fight him off.

Khan's girlfriend testified he called her “on Halloween night” (actually Nov. 1) at about 1 a.m. or 1:30 a.m. She said she had a brief, casual exchange with the complainant.

“I said, ‘Hi’ and she said, ‘Hi,’” the girlfriend testified. She recalled the complainant used the girlfriend's

name when she said “Hi” to her.

“I said, ‘How are you?’ and she said, ‘How are you?’ back,” the girlfriend testified.

She said that was the extent of the conversation.

When Supervisory Assistant State’s Attorney Michael Pepper asked the girlfriend in his cross-examination if such a situation had occurred before with Khan in their “open relationship,” she said, “Yes.” Asked how many times this had happened, she replied, “three to five times.”

Pepper also asked the girlfriend: “Are you in love with each other?” She said they were.

She testified that after her quick conversation with the complainant, she and Khan proceeded to talk on the phone for about an hour and a half.

During Pepper’s cross-examination, he asked if she had told a private investigator “I have never met her” (the complainant). The girlfriend acknowledged she had said this to him.

But Pattis followed-up: “Had you met her?” She replied that she had. She explained that when she was talking with the investigator, “I meant I hadn’t met her through Sai (Khan).”

Pattis Monday also called to the witness stand Rabbi Shmully Hecht, who helped host the Halloween party at the Shabtai house during which the complainant and others

became inebriated. Shabtai is a Jewish society affiliated with Yale; it is based at a mansion on Orange Street.

Hecht testified Khan, a friend of his, belongs to the society. Hecht noted the society admits non-Jews as members. (Khan, a native of Afghanistan, is a Muslim.)

Hecht, who said he sometimes uses the title of executive director of Shabtai, said the society’s purpose is “to create an intellectual Jewish society at Yale University.”

Hecht testified bartenders were hired to work at an open bar that night at the house. He said they were told not to serve under-age people and “to keep the flow of alcohol at a minimum.” He also said of the drinks served: “We probably had wine and beer.”

Asked by Pattis what he had consumed at the party, Hecht said, “I may have had a little bit of wine.”

But during cross-examination, Pepper asked Hecht about the testimony from the complainant and her friends that straight bourbon also was served in cups. They testified Hecht was the one pouring the bottle and passing around the cups.

When Pepper asked if liquor also was served, Hecht replied this was “possibly” the case.

Pepper read from Hecht’s statement to Yale University police detectives that he told the bartenders “to give me a bottle. I took the bottle and a

shot glass.” Hecht also told them: “I took a few shots myself.”

Hecht replied: “If it’s in the transcript, I said it.”

Hecht said he saw Khan at the party and that Khan was drinking. He said he didn’t know the complainant but remembered seeing a woman in a cat costume, which she was wearing for Halloween.

Hecht recalled walking with a big group of students from the party to Woolsey Hall. He said he sat in a row of those students, including Khan and the complainant. He remembered those two sat next to each other.

Asked by Pattis what he had observed of those two, Hecht said, “They were having a good time.”

But then he saw her vomit. He said he went out to the hall’s rotunda and got some water for her. “I told her, ‘Here’s the water, drink it.’”

He said he asked her if she was OK and she replied that she was. “Sai was taking care of her. He was helping her drink the water.”

Shortly afterward, Hecht said, he saw the two of them leave.

Pattis also brought in Yale police detective Paul Sires, the lead investigator in the sexual assault allegation case. He testified he was one of the detectives who interviewed the complainant.

Pattis asked: “Do you remember her saying she didn’t remember the sex?” Sires replied, “Yes.”

Pattis continued: “If she had used the word ‘penetrated,’ that would have been significant?” Sires again said, “Yes.”

In his cross-examination of Sires, Pepper cited the transcript of her statement. “You asked her, ‘Did you feel like he’d had sex with you, that he’d penetrated you?’ And she said, ‘Yeah, I felt like we’d had sex because I hadn’t had sex in six months and it definitely felt like that.’” ■