

Khan defense calls first witness

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As former Yale student Saifullah Khan's rape trial entered its second week, the defense called its first witnesses to the stand on Monday morning at the New Haven courthouse.

Khan faces three felony charges and one misdemeanor charge for allegedly raping another Yale student on Halloween night in 2015. He was suspended by the University on Nov. 9, 2015 and arrested three days later. The long-awaited trial got underway early last week, and, by Monday morning, the 10-person jury had heard from all the witnesses called by the prosecution.

Later that day, the defense called Rabbi Shmully Hecht — co-founder of the Jewish society Shabtai and a friend of the defendant — and Khan's longtime girlfriend to the witness stand. The woman accusing Khan of rape, referred to in court documents as Jane Doe, told police two years ago that on the night of the incident she drank two cups of alcohol served by Hecht at a Shabtai party also attended by Khan.

Later that night, according to the Yale Police Department affidavit describing the events of that night, Hecht sat next to her and Khan at the Yale Symphony Orchestra's

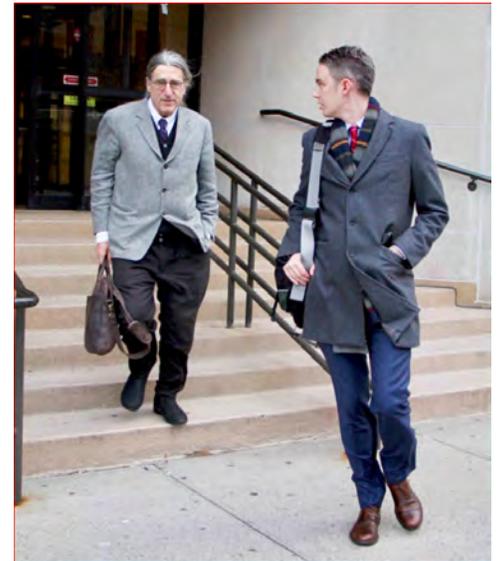
Halloween concert, during which Doe vomited several times before leaving accompanied by Khan.

During his time on the stand, Hecht resisted giving straightforward answers of yes, no or "I don't remember," as prosecutor Michael Pepper asked him how much alcohol he consumed at the Shabtai Halloween party, where he sat at the concert, whether he called for medical help for Doe during the show, and which Yale administrators he contacted about Khan's "Title IX problem" once he learned Khan had been suspended. Instead, Hecht often referred the prosecutor to the transcript of his police interview from November 2015, when Khan was arrested.

"I'm not trying to avoid your questions." Hecht complained between nervous chuckles. "I don't have a photographic memory."

"I don't understand the question!" he shouted at another point.

During his examination by Khan's defense lawyer, **Norm Pattis**, Hecht said Khan and his accuser were "having a good time" as they sat together at the YSO show, but he declined to give a definitive answer when Pattis asked whether Khan



and Doe were flirting. Hecht said Doe left the YSO show with Khan shortly after she vomited, and that she did not appear inebriated when she left.

After Hecht gave testimony, the defense called a Yale Police Department detective and Sergeant Marnie Robbins Hoffman to the stand. Pattis asked her why the YPD contacted the office of Yale's general counsel about Khan's potential sexual misconduct before it had completed its investigation of him. Robbins Hoffman said the YPD has "an obligation to report any potential crime to Yale" when the department became aware of it.

Pattis also asked the sergeant why she referred to the female student

who Khan allegedly raped as a “victim” instead of “accused victim,” but the Judge struck the question off the record as argumentative.

Before the defense introduced Hecht, the last witness called by the prosecution, Lana Ramos, who works for the Connecticut State Forensic Lab, testified that the DNA on the two condoms found on the floor of the alleged victim’s room from the night of Doe’s matched Khan’s DNA.

On Monday, Khan’s current girlfriend, whom he has dated for more than six years, also took the witness stand. She testified that she spoke with both Khan and Doe on the phone in the early hours of Nov. 1, 2015. The girlfriend testified that she received a phone call from Khan at around 1:30 a.m. and that she spoke to both Khan and the victim. For less than a minute, she said, she and Doe exchanged pleasantries. Then, she testified, she spoke with Khan for more than an hour and a half, and talked with him again at around 7 or 8 a.m.

Khan’s girlfriend and the victim met in the summer of 2015, when they were enrolled in the same physics class at Yale, the girlfriend said. But when an investigator hired by Khan interviewed his girlfriend, she told the investigator that she had not met the victim.

Khan and his partner, both from Afghanistan, met during her senior year of high school. They are now in a “long-distance, open relationship,” the girlfriend said, in which they have a mutual agreement that either

of them may have other sexual partners.

On Tuesday, the defense will call one more witness to testify. After both sides present closing arguments, the jury will deliberate on the four charges against Khan and likely deliver a verdict by Thursday. ■