

Controversial rape trial delayed

By ERIC BENTLEY JR.
STAFF WRITER

The rape trial of a UC-Santa Cruz exchange student from South Africa that was scheduled to start today was postponed a week after a new piece of evidence unexpectedly surfaced.

Defense attorney Lisa Martin's motion for a one-week postponement of the trial of David Tolofane was granted this morning by Superior Court Judge John Marlo.

Tolofane, 33, is charged with raping a Santa Cruz woman on a trail at the Gray Whale Ranch, near the UCSC campus, last September. In a preliminary hearing in October, the 26-year-old victim identified him as the man who approached her while she was walking on the fire trail, threw her to the ground and raped her.

Defense attorney Martin said this morning she had received a report that a woman called the Sheriff's Office last week saying she was verbally accosted by a black man (Tolofane is also black), whom she identified as someone other than Tolofane, on Empire Grade around the time that the rape is said to have taken place.

Martin said she will take the week to investigate whether the report will help to show that her client is being mistaken for the other man.

Chief Deputy District Attorney Jon Hopkins dismissed the report as irrelevant, saying the victim has already seen the man identified by the complainant and said he was not her attacker.

"This is a man with an obvious Southern drawl," Hop-

kins said, mimicking the man's inflection. "Southern United States, not South Africa."

Tolofane's arrest touched off controversy in Santa Cruz. His supporters — friends he had made during the six months he spent at UCSC — claimed his race was being used against him in Santa Cruz as it had in his apartheid-dominated homeland.

Women's groups claimed his supporters wanted him to receive special consideration because of where he came from.

The victim of the attack identified Tolofane as her attacker

in photo and physical lineups, and again during the preliminary hearing in October.

The man, she testified, was dressed in his underwear and wore a pair of shorts on his head. She said he started making small talk, and then grabbed her by the hair, threw her to the ground, ripped her clothes off and raped her. The man choked her while he was raping her and asked her, "Do you want to die?" the woman testified.

Tolofane's attorney during the preliminary hearing, Paul Meltzer, tried to show that Tolofane was a victim of mistaken identity.