

## RAPE SUSPECT TAKES STAND

Newsday - Long Island, N.Y.

Author: ALFONSO A. CASTILLO. STAFF WRITER

Date: May 16, 2006

Copyright Newsday Inc., 2006

On one point, everyone agrees: Benjamin Bryant had sex with the lesbian former partner of his fiancée, Katherine Lomax, one night last summer.

Beyond that, what happened between Bryant, 44, of West Babylon, and the woman is a he-said, she-said story with 25 years in prison at stake if a Suffolk jury doesn't believe Bryant. He's on trial in a Riverside courtroom on charges of first-degree rape.

"This is a very vindictive individual," Bryant's attorney, Michael Brown of Central Islip, said of the accuser, whom Newsday is not naming because she says she was a victim of a sex crime.

The alleged attack occurred after Lomax broke off a relationship with the woman about five years ago and later became involved with Bryant. Brown said the woman never got over Lomax and became enraged after learning that Lomax was pregnant with Bryant's child.

On July 31, the woman ran into Bryant at a bar in Babylon and followed him to his van parked outside, prosecutors said.

In her testimony last week, the woman said Bryant, who was angry that she was interfering in his relationship, forced himself on her inside the van.

"I said, 'Why are you doing this?'" said the woman, who recalled "begging him to stop" and struggling to push him off of her. "He felt like an ox."

Taking the stand yesterday, Bryant gave a different version of events. He said he was sitting in the back seat of his van, chatting with the woman, seated in the front seat, when she said, "You got my -- pregnant."

Bryant said the woman then began making sexual advances toward him, and after initially resisting, he gave in.

"Did [the woman] ever cry or yell or beg for you to stop? ... Did she ever say no?" Brown asked Bryant in court.

"No, because she was all over me. That's how it all started," Bryant

replied.

During cross-examination, prosecutor Melissa Price got Bryant to concede that he was bothered by the woman continuing to contact Lomax.

Price also noted that the woman told Bryant she was going to call the police after the incident in the van.

Brown said it was a set-up by the woman, who he said has a lengthy criminal record, including a conviction for filing a false instrument in a welfare fraud scam.

Brown pointed out that after Bryant dropped the woman off at home, her first telephone call was not to police, but to Lomax, who supports Bryant.