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FOR IMMEDIATE RELEASE

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Davis Student Sentenced to State Prison for Non-Stranger Rape

(Woodland, CA) – October 26, 2017 – Yolo County District Attorney Jeff Reisig announced that yesterday that the Honorable David Reed sentenced Najee A’Ve, of Detroit, to 44 months in state prison after being convicted after a court trial of Rape of an unconscious person and Sexual Penetration by foreign object of person under 18 years of age. At the time of the crime, A’Ve lived in Davis and was taking summer school classes at California State University, Sacramento, and was in the process of applying to the University of California, Davis.

On August 2, 2013, A’Ve went out drinking and upon returning to the apartment he was heavily intoxicated. A 17-year-old high school student was staying at the apartment and sleeping on the downstairs couch. She was a family friend of one of A’Ve’s roommates. The 17-year-old woke up shocked to find A’Ve raping her. She was eventually able to squirm away. Eventually A’Ve went to sleep and the 17-year-old escaped to her friend’s room who got her out of the apartment and to the safety of her family where the police were called. A DNA sample was collected from the victim and analysis showed a DNA match for A’Ve.

A’Ve testified, admitting to getting drunk, and said that he did not remember anything after getting home that night. He also admitted prior instances when he would get drunk and not recall conduct that he’d engaged in. The defense called a doctor who testified that A’Ve was likely suffering from “sexsomnia” which is a type of parasomnia or sleep walking state in which

the person engages in sex while asleep. The doctor admitted that this would have been brought on in part by the alcohol.

Judge Reed rejected the “sexsomnia” defense and found A’Ve guilty of both Rape of an Unconscious Person and Sexual Penetration by Foreign Object of person under 18 years of age. The Court found A’Ve not guilty of Assault with Intent to Commit Sex Crime on a Minor.

At sentencing on October 25, 2017, District Attorney Victim Advocate Julia Hernandez read the victim’s impact statement. “Every time I retold my story, every time I relived that wretched nightmare, everything I forced myself to push through – it was all suddenly worth it. I know this was not only a win for me, if my case or my story helps someone else find the courage to speak up or stand up for themselves and fight their fight then I can live at peace knowing that this all served a purpose,” wrote the woman.

Judge Reed found that A’Ve was not suitable for probation in part because he continued to drink despite his criminal conduct when drunk. Judge Reed sentenced A’Ve to 44 months in state prison. Upon release, A’Ve will be required to register as a sex offender.

Deputy District Attorney Martha Holzapfel prosecuted the case, “I am humbled by this amazing young woman, she fought not just for her own justice, but to help others in similar situations. To me, that makes her a hero.”

A’Ve was remanded to the custody of the Yolo County Sheriff’s Department for delivery to the California Department of Corrections.

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