



A Rapist Walks Free: Because he was Stoned

Sean Devenney admitted to sexually assaulting several women at T in the Park as well as performing a sex act in front of others. Yet, a Scottish court returned a "not proven" verdict. Devenney admitted to the crime and there were witnesses yet a jury returned a "not proven" verdict.

Sean Devenney's mitigating defence: he was stoned and didn't 'intend' to rape anyone.

There are so many things wrong with this case that it is hard to know where to start. Devenney dragged one victim around the campsite at T in the Park and no one came to her defence. No one intervened and no one stopped to ask why a man was dragging a distressed woman around the campsite. This is how immune we are to male violence against women: not a single person in the campsite tried to intervene.

Devenney's defence was that he was given illegal substances without permission. If this is true, then it would be a mitigating circumstance but not one that should result in a "not proven" verdict. He should have been found guilty with the mitigating factor taken into account for sentencing purposes. That said, there remains a massive double standard here in both the law and in practise. Women who are raped after having been given an illegal substance without consent are still blamed for putting themselves in a position where they could be given the substance. The rape is their fault because they allowed a man to spike their drink. Yet, this man is not responsible for multiple attempts at rape and sexual assault because he was given an illegal substance without consent? The hypocrisy of this position is breath-taking.

This is, of course, dependent on whether or not Devenney was telling the truth with his statement. The likelihood of him being given an illegal substance without consent is small. If he were the victim of sexual violence, then I would believe him but how many illegal substances are there that result in a man trying to sexually assault a woman in comparison with the number which men give to a woman in order to rape her?

Then, there is the issue of the "not proven" verdict in Scottish law which is disproportionately applied in cases of sexual violence. In and of itself, it is of questionable value but when applied to cases involving sexual violence wherein the jury nor the judiciary are not knowledgeable about damaging rape myths, then it becomes a 'get out of jail free' card for rapists: "we know you did, but, hey, rape isn't a big deal so no jail for you!"

This case just demonstrates everything which is wrong with our society: the jury believed numerous women were victims of sexual violence but didn't want to hold the rapist responsible.