

Judge launches stinging attack on Wren as fellow sailor she accused of rape is cleared

By [TAMARA COHEN FOR THE DAILY MAIL](#)
UPDATED: 08:04, 15 March 2011

48

[View comments](#)

A judge has launched a stinging attack on a drunken Wren who cried rape after claiming she woke up to find she was having sex with the wrong man.

Judge Jeff Blackett blamed the woman for drinking heavily, being an 'enthusiastic participant' in sex and said she did not come to court with 'clean hands'.

But in his withering judgment, he did not criticise those who brought the case because 'we live in an atmosphere and era that makes it very difficult for the police and prosecuting authorities not to prosecute allegations of this nature'.



Riposte: Judge Jeff Blackett attacked the Wren's behaviour after clearing her alleged attacker of raping her

In an extraordinary case, the 19-year-old, who cannot be named for legal reasons, claimed she had mistaken sailor Kenni Dinnell for her lover after a drunken night out because both men had Scottish accents.

Yesterday, 21-year-old Dinnell, from Dumfries, Scotland, was cleared of rape by a Royal Navy court martial. He had denied the charge.

In only the second rape case to be tried by a Navy court martial, the court heard the trio had gone on a drinking spree in Portsmouth last July and drunk fortified wine, the alcopop WKD and strawberry cider.

The Wren admitted she had consensual sex with Leading Artificer Greg Robertson, 22, in his room at HMS Nelson, the naval base in Portsmouth, while his friend, Engineering Technician Dinnell, was in the bathroom. After she had sex with Robertson he fell asleep on the floor.

The Wren claimed she then woke up to find Dinnell having sex with her and participated because it was a case of mistaken identity.

Judge Blackett said: 'A woman who drinks to excess and returns voluntarily with two men, having sex with one man while the other is in the room, does not come to court with entirely clean hands.'



Scene: The alleged attack took place at HMS Nelson after the three people involved had been out drinking in Portsmouth

'This is the sort of case which in my opinion should never have come to court. There cannot be any higher consent to sex than enthusiastic participation in it. She responded for a few minutes to the defendant's sexual advances. She felt him

kissing her neck, kissed him on the lips and then allowed full sexual intercourse to take place.

'If the defendant genuinely believed she consented, even though that belief may have been mistaken, he is not guilty of rape.

'She said she blames herself and she must share that responsibility. None of this has brought any credit to the service and all three rates have let themselves and their service down.'

He went on: 'I do not criticise the prosecution because we live in an atmosphere and era that makes it very difficult for the police and prosecuting authorities not to prosecute allegations of this nature.'

His comments were made two weeks ago when Dinnell's legal team applied to have the case dropped due to lack of evidence, but they can only be reported now for legal reasons.

The court, held at HMS Nelson, was told the Wren returned willingly to the base with both men around 2am and had consensual sex with Robertson in his single room. Dinnell, who met the Wren that evening, said he had arranged to stay with his friend for the night rather than return to his station on the destroyer HMS York.

After she had sex with Robertson he fell asleep on the floor. Dinnell said he shared the bed with her fully clothed as there was nowhere else to sleep.

He claims she awoke and they had consensual sex, but when Robertson awoke halfway through she appeared uncomfortable.

Stephen Smyth, defending, told the court: 'She says she didn't give him the come on, but in a sense she did. She thought it was Robertson. She hardly pushed him away, she kissed him passionately.

'Each kiss and touch is a question; may I touch you? If the hands are not pushed away, the answer is yes.'

In evidence, the Wren said she blamed herself for drinking too much.



Cleared: Engineering Technician Kenni Dinnell was found not guilty of rape at the court martial

The only previous rape case heard by a Navy court martial was in 2007 when Chief Petty Officer Phillip Coates was sentenced to five years in prison for raping a naval rating. The conviction was later quashed.



Comments 48

Share what you think

Newest	Oldest	Best rated	Worst rated
View all			

The comments below have been moderated in advance.



Chrissie, England, 6 years ago

What a disgrace this woman is to the service has she been sacked?

Click to rate 370 38



Derek, CZ, 6 years ago

What happened to the man's right to anonymity

Click to rate 543 15



S.I.Mather, Bradwell, UK, 6 years ago

When such a case comes to the conclusion that the accused turns out to be the victim then both sides should have their names made clear, not only the victims, so why haven't they named this woman, there is no legal reason why they cannot?

Click to rate 436 17



TC, Fareham, UK, 6 years ago

Wrong decision by the judge and right decision to publish pic and details of the accused. It will help women recognise an individual who might feel entitled to have sex with them, just because they happen to be in the same room, house, street or area.

Click to rate 79 657



Helen, Devon, 6 years ago



Jon Cleveland. It is, slowly. More and more people are speaking up against the bigoted feminists. It will take years however before the politicians take note and change the law on anonymity. It was only a year ago that that psycho Labour woman wanted a quota sending a set number of men to prison for 'rape'. - Simon, York, 15/3/2011 07:25 Click to rate Rating 53 Report abuse.....and what are your views on bigoted men?

Click to rate **81** **259**



Daverock, Perth , Australia, 6 years ago

Yes , why is the man named . Yet the womans name is secret .Totally wrong and Biased !!!!!!!!

Click to rate **584** **12**



Caroline, London, UK, 6 years ago

This is NOT a "cry rape" case where the woman has acted maliciously and lied after the event. She believed herself to be with a different man and I can well understand that she felt horrified and violated after the discovery. Clearly, it was right that the man was cleared, as he had good reason to believe she was consenting. But to paint her as an evil harpie is not correct and the judge's comments about "clean hands" are disgraceful, especially as the implication is that the case did not come to court at her instigation.

Click to rate **24** **134**



Andy, Leeds, UK, 6 years ago

The woman should be named. Her accusation of Rape was false. His reputation has been destroyed by her malicious behaviour, so it is proper that she should be exposed as the liar she is.

Click to rate **54** **4**



Messyman, Southampton UK, 6 years ago

If it weren't so 'acceptable' to get blind drunk on a regular basis, and also have sex with any random person, then this sort of 'mistake' wouldn't happen. I bet their parents must be really proud of them. Why hasn't the woman been named?

Click to rate **57** **2**



Nanuk of the North, Morpeth England, 6 years ago

My god these people are supposed to be in charge of protecting the nation, bring back Dads Army quick we are going to need them.

Click to rate **51** **16**

[View all](#)

The views expressed in the contents above are those of our users and do not necessarily reflect the views of MailOnline.

We are no longer accepting comments on this article.