



## **A 3 year old child is responsible for her own rape. (content note)**

Orange County Superior Court [Judge M. Marc Kelly](#) reduced the sentence of Kevin Jonas Rojano, who was found guilty of sodomising a 3 year old child by 15 years. The minimum sentence for this crime in the state of California is 25 years to life.

[These statements were made by the judge during sentencing:](#)

“However, in looking at the facts of Mr. Rojano's case, the manner in which this offense was committed is not typical of a predatory, violent brutal sodomy of a child case,” Kelly said. “Mr. Rojano did not seek out or stalk (the victim). He was playing video games and she wandered into the garage. He inexplicably became sexually aroused but did not appear to consciously intend to harm (the victim) when he sexually assaulted her.”

The defendant “almost immediately” stopped and “realized the wrongfulness of his act,” Kelly said.

“Although serious and despicable, this does not compare to a situation where a pedophilic child predator preys on an innocent child,” Kelly said. “There was no violence or callous disregard for (the victim's) well-being.”

The judge also noted the defendant “has shown extreme remorse for his actions and has been willing to accept the consequences,” Kelly said. “Mr. Rojano was born into and raised in a dysfunctional familiar environment.”

The explicit message of these statements is that the child is responsible for her own rape because she "wandered" into Rojano's garage. Rojano couldn't be expected to control his own actions. Instead, a 3 year old child is to blame for her own rape. A child cannot walk around the property of a male relative in case that relative sexually assaults them.

We're not entirely sure how the term "inexplicably" is used to describe a man who became "sexually aroused" by a child. Clearly, the judge believes that men who choose to rape children are still 'good' men rather than paedophiles who actively want to harm children. Judge Kelly has also bought into the theory that rape is not an act of violence. This is absolute garbage. Rape is always an act of violence. It may be accompanied by other forms of physical violence but the act of rape is still an act of violence. Committing rape is always a "callous disregard" of a person's wellbeing.

This is why we do not use words like paedophilia. Men who commit child rape make a choice to commit rape. Regardless of whether or not Rojano meets the clinical guidelines for paedophilia, he still made an active choice to sodomise a 3 year old. Romano committed an act of extreme violence on the body of a small child whose only 'crime' was to walk into the garage of a relative.



Mandatory specialist training on sexual violence is a must for all judges. And, any judge who cannot understand that an act of rape is always an act of violence should be removed from the bench immediately.

**PETITION**