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Sentencing Given in Significant Transgender Case

Seventeen-Year-Old F.T.M. Facing Eleven Felony Counts

by James Green, F.T.M., Issue 34

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If convicted of all charges, Sean ... could have wound up in Colorado State prison for over thirty years!

Sean O'Neill, aged twenty, recently faced eleven felony counts including criminal impersonation and sexual assault on a child. His only crime was to be an F.T.M.

transgendered person who had experienced consensual sex with several teenage girls, when he himself was only seventeen or eighteen at the time.

In *Out* magazine, Donna Minkowitz; reported on the criminal proceedings observing that "the case ... is unique because it may be the first time law enforcement has treated gender deception as something tantamount to rape".

If convicted of all charges, Sean, likened by James Green upon first meeting him, "a frightened little boy", could have wound up in Colorado State prison for over thirty years!

His conviction posed the very real threat of the authorities making it a criminal offence to conceal your gender of birth to others.

On 16th February of this year, the hearing for Sean's trial took place. Community organisations from around the nation came to support him, including The Transsexual Menace, Menace Men, and Lesbian Avengers. Tony Barreto-Neto, a Deputy Sheriff from Florida and founder of Transgendered Officers Protect and Serve (T.O.P.S.), and James Green of F.T.M. International, were both asked to testify at the proceedings to "demonstrate that being a transsexual does not automatically make a person a criminal".

The D.A. had asked for the full prison sentence to be handed down, labelling Sean as a "predator", and stating that "she should be removed from the community". This is despite the fact, that if Sean had had a male body, the whole matter would have been routinely reduced to a misdemeanour, as is the case with most teenage heterosexual instances.

Sean's lawyers in turn asked for a minimum sentence of probation and counselling declaring that "Sean O'Neill is a troubled young person doing his best to find his way, and to find affection in this world, without role models or appropriate guidance".

The judge took twenty minutes to deliberate after a hearing of about three and a half hours. As a result of his deliberation, Sean received a sentence of ninety days in the county gaol with consideration for the appropriate accommodation, and is also to be on probation for six years. He will be a recorded sex offender and may not have unsupervised Contact with females under seventeen excepting his younger sisters.

As reported by James Green, the judge stated that "This case is not about paedophilia, not about transgenderism, not about love or trust, this case is about deceit and consistency".

James Green revealed that "We went to Colorado Springs because we felt it wrong for Sean, a confused young transgendered person, to be brought up on these charges. We achieved only a partial victory. But most importantly, we don't want Sean O'Neill to become another Brandon Teena ^[1]".

Sean's case was seen as significant for the Transgender Community. His conviction posed the very real threat of the authorities making it a criminal offence to conceal your gender of birth to others. This is despite the high level of discrimination and violence that exists towards transnys. Sean's sentencing, though greatly reduced, still allows this threat to exist.

Notes:

[1] An F.T.M. who was raped and murdered after his genetic female status became known.

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