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Legal Acquittal in Barrett Case Highlights Failures of Criminal Justice System in Addressing Sexual Violence

Vancouver, B.C. — Battered Women's Support Services (BWSS) is expressing deep concern over the recent acquittal of Leon-Jamal Daniel Barrett, who violently attacked a woman in 2019 while under the influence of magic mushrooms and cannabis. In a decision released this spring, a provincial court judge accepted the defence of automatism, finding Barrett not criminally responsible for the attempted sexual assault because he was too intoxicated to form intent.

"This ruling is devastating. It tells survivors that their pain is real, but their pursuit of justice may be futile," said Angela Marie MacDougall, Executive Director of BWSS. "This woman fought for her life—biting, screaming, resisting—and yet the legal system sided with the man who harmed her, because he chose to get high. We cannot allow intoxication to become a shield from responsibility when it comes to sexual violence."

The Barrett case follows the 2022 Supreme Court of Canada decision that struck down Section 33.1 of the Criminal Code, which had previously barred the use of extreme intoxication as a defence in cases involving sexual assault. Although Parliament later amended the provision, those changes did not apply in this case.

"Survivors are retraumatized by a system that finds ways to explain away violence rather than confront it," said Johanne Lamoureux, Manager of Community-Based Response at BWSS. "Our front-line teams hear every day how deeply unsafe and re-traumatizing the criminal system is for those who come forward. When the courts uphold the 'moral innocence' of perpetrators, it reinforces why so many survivors never report in the first place."

According to the court decision, there was no dispute that Barrett violently attacked the woman, pulled at her jeans, forced his tongue into her mouth, and left her with visible injuries. Yet because the judge found he was in an altered mental state due to drug use, he was acquitted of all charges.

"This is not justice," said Summer Rain, Manager of the Justice Centre at BWSS. "This ruling doesn't just fail the survivor in this case—it endangers others by reinforcing the idea that choosing to combine intoxicants can excuse violent behaviour. Sexual assault is never accidental. We must be clear: consent cannot be overridden by altered states."

BWSS is calling for:

- Immediate federal review of how amended Section 33.1 is being applied, and whether further reforms are needed to uphold survivor rights;
- Public education that makes clear: intoxication is not an excuse for violence.

"At BWSS, we will continue to advocate, support, and believe survivors—because clearly, this system still does not," added MacDougall.

