

Judge and magistrates will hear flashing case

Frances Gibb, Legal Editor

The trial next week of a Court of Appeal judge accused of flashing will be heard by a rare panel of a judge sitting with two magistrates because of the sensitivity of the case.

Timothy Workman, the most senior district judge for magistrates' courts in England and Wales, has decided to preside over the trial of Sir Stephen Richards with two lay magistrates. His decision, after consultation with the deputy Lord Chief Justice, Sir Igor Judge, is an indication of the highly unusual nature of the case.

Peter Veits, president of the Justices' Clerks' Society, said yesterday: "This is unusual but clearly Judge Workman has exercised his discretion to sit with a panel because of the nature of this particular case.

"If the matter had gone to the crown court, then the judge would be directing a jury. But in the magistrates' court, Judge Workman would be the sole arbiter of facts – deciding both guilt and innocence, and sentence, all on his own."

Sir Stephen Richards has been accused of two counts of exposure for which the maximum penalty in the magistrates' court is six months' jail or a fine of £5,000. The case at the City of Westminster Magistrates' Court is expected to last two days, with prosecution and defence using Queen's Counsel – again, unusual in the magistrates' court. Peter Wright, QC, has been instructed by the Crown Prosecution Service and David Fisher for Sir Stephen.

Sir Stephen, 56, denies the charges that were brought in March. He has not been sitting on cases in court since but has been working on paper applications and appeals. He remains on his salary of £184,000 a year. He has also stood down from the chairmanship of the board of governors of King's College School, London, pending the trial. The judge, who is married with three children, was arrested in an undercover operation after a complaint by an alleged woman victim. He was detained after the woman picked him out on a train from Wimbledon to Central London.

British Transport Police have said that the allegations relate to two separate incidents last October involving the same woman complainant.

Senior judges cannot be removed from office except by a vote of both Houses of Parliament.

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