

Exposure

A person commits an offence if he

- intentionally exposes his penis; and
- he intends that someone will see it; and
- he intends that other person will be caused alarm or distress

The first question you should answer is “Did D** expose his penis?” C** says he did. The defendant says he did not. If he did not, he is not guilty.

But if he did, you should consider whether he intended that C** would see it and be caused alarm or distress. You can draw such inferences as appear proper in the circumstances from the evidence.

So the key questions you have to answer separately in relation to each count, having regard to all the evidence and the directions which I give, are

- (1) Did D** expose his penis?
- (2) (if he did) Did he intend C** to see it? and
- (3) Did he intend that C** would be caused alarm or distress in doing so?

If you are sure that the answer to all three questions is “yes”, he is guilty.
If the answer to any question may be “no”, he is not guilty.