

### Committing an act outraging public decency

A man commits a criminal offence if he does an act of a lewd, obscene and disgusting nature which outrages public decency

The prosecution have to prove two things

- First, that the act was of such a lewd, obscene or disgusting character as to constitute an outrage on public decency. That is for you to consider members of the jury, but you may have little difficulty in deciding that \*\*\* masturbating in public is an obscene act which would outrage public decency.
- Secondly, the act must be committed in public. The prosecution say that D\*\* was standing on his doorstep, which is his own property. That does not by itself amount to a defence. The offence of outraging public decency may be committed in either a public or private place, provided that at least two people were able to see it and where there existed a real possibility that members of the general public might witness it, although no one need actually have seen the act. It is not necessary for the prosecution to prove that anyone was in fact disgusted or annoyed, although in this case, C\*\* and C\*\* all gave evidence that they saw D\*\*\* and were \*\*\*

The prosecution case is that D\*\*

The defendant denies this. He says \*\*.

So, the key questions for you to answer in relation to Count \*, having regard to all the evidence and the directions which I give you, are these

Did D \*\*\*?

Was that an act of such a lewd, obscene or disgusting character as to constitute an outrage on public decency?

Were at least two members of the public able to see him do it?

If you are sure that the answers to all three questions are “yes”, the defendant is guilty of Count \*.

If the answer to any question may be “no”, he is not guilty of Count \*.