

In the matter of a Complaint under the Clergy Discipline Measure 2003
Before the Bishop's Disciplinary Tribunal for the Diocese of Lichfield in the Province of
Canterbury

Leeds Combined Court
The Courthouse
1 Oxford Row
Leeds LS1 3BG

Date: 9th December 2008

Before:

His Honour Judge S P Grenfell, chairman of the Tribunal
The Revd Rosemary Enever
The Revd Simon Hill
Canon Beverly Fraser
Mr Andrew Robinson

Complainant: Mrs A

Respondent: The Reverend Dr Patrick Otosio Okechi

Mr Adrian Iles (the Designated Officer) for the complainant
Mr John Lodge (instructed by Tunnard & Co Solicitors) for the respondent

Hearing dates: 21st and 22nd October 2008 at Birmingham

Approved Determination

I direct that copies of this version as handed down may be treated as authentic.



His Honour Judge S P Grenfell

His Honour Judge Grenfell, chairman:

1. The President of Tribunals has referred to this tribunal the following allegation for determination:

“That the alleged conduct of the respondent the Reverend Dr Patrick Otosio Okechi, the incumbent of the Good Shepherd with St John, West Bromwich in having an adulterous relationship with the complainant Mrs A a parishioner between about July 2003 and February 2006 was unbecoming or inappropriate to the office and work of a clerk in Holy Orders within section 8(1)(d) of the Clergy Discipline Measure 2003.”

2. Procedurally it is unfortunate that there has been delay in bringing this complaint to a hearing. It was on track for an earlier hearing when the appointed chairman realised as soon as he saw the list of witnesses that he knew Archdeacon Jackson. The hearing was fixed for this October at the earliest time that was practicable in the circumstances. Nevertheless, we are conscious that the witnesses have been disadvantaged to a certain extent by having to recollect so far back in time.
3. The complainant’s case is that following her approach to Dr Okechi about her personal problems and their becoming friends, their relationship developed into becoming a full sexual relationship as from about the Spring of 2004 and continued until Dr Okechi ended it in early February 2006. The Designated Officer, Mr Iles, relies in particular on evidence of several mobile telephone text messages and a letter, which he alleges were sent by Dr Okechi to Mrs A and which Dr Okechi denies having sent, as evidence which supports Mrs A’s account.
4. The respondent’s case is that there was never anything other than a simple friendship between them, but that she became obsessed with him to the extent of following him and ultimately harassing him, until about early 2006 when he ceased to have anything

to do with her and she continued to make a nuisance of herself towards him. In particular, his Answer read:

“the complainant has subjected my family and I to harassment and threats on various dates over 2 ½ years most recently Tuesday 17.7.2006”

5. The principal issues are whether or not there was an inappropriate relationship and, if so, whether it extended to an adulterous relationship.
6. The standard of proof, as the Chairman directed the tribunal, is the civil standard of proof on the balance of probabilities¹. As Mr Lodge, counsel for Dr Okechi, correctly reminds us, paragraph 193 of the Code of Practice reflects the general state of the law:

“The standard of proof to be applied in any disciplinary hearing is the civil standard. This means that a complaint is to be proved on a balance of probability, but there is a degree of flexibility when applying that standard. The more serious the complaint the stronger should be the evidence before the tribunal concludes that the complaint is established on the balance of probability.”

7. The likelihood of a parish priest developing an adulterous relationship with a parishioner is inherently less likely than two ordinary adults doing so. Thus, where as here an adulterous relationship is alleged against a priest, the allegation requires evidence of sufficient cogency to satisfy the tribunal that the adulterous relationship is established. See *In re H (Minors) (Sexual Abuse: Standard of Proof)* [1996] AC 563 reaffirmed by *In re B (Children) (Care Proceedings: Standard of Proof)* [2008] 3 W.L.R. 1. Mr Iles recognises the evidential problem where proof of an adulterous relationship depends on the tribunal accepting the word of one person against that of

¹ section 18(3)(a) Clergy Discipline Measure 2003:

“(a) the standard of proof to be applied by the tribunal or court shall be the same as in proceedings in the High Court exercising civil jurisdiction”

another and realistically anticipates that the tribunal would look to other evidence, which is capable of supporting the allegation. In our judgment, that is simply another way of saying that the findings in respect of the various probabilities have to be considered and made before the tribunal of fact can be satisfied to the required standard. Of course there may be some cases where the only evidence comes from a complainant alone. That does not mean that such evidence cannot be accepted where it is sufficiently strong to stand alone. Nevertheless, the tribunal will always seek supporting evidence if it is available and sufficiently reliable.

8. Dr Patrick Okechi had been the incumbent of the church of The Good Shepherd with St John, West Bromwich since September 2002. He had been married to his wife Rael Ong'ute Otosio (known as Rachel) since 1988. They lived in the vicarage with their children. Mrs A was a parishioner. She had been separated from her husband for some years. She was not an attender of this church, until she attended a friend's marriage blessing at the church in December 2003. There was initially some confusion over this date with both the complainant Mrs A and the respondent Dr Okechi putting it at December 2002. It is now clear that it was 2003 and their statements and other dates have to be adjusted and read accordingly. The following is common ground. Mrs A had personal problems with a history of unstable behaviour. This had taken the form of setting fire to her family's council house, for which she had completed a sentence of 3 years Probation. We should add that this is a factor which we have taken into account when assessing Mrs A.
9. At the function following the church blessing she had sought out the vicar, Dr Okechi, expressing the desire to talk about her problems. There is an issue, however, whether this was the start of an obsession with him.

10. Mrs A says that she started attending a regular Wednesday service which was conducted by Dr Okechi. The suggestion at one time that the Wednesday services were an unpublished private opportunity for Dr Okechi and Mrs A to get together was dispelled when it became clear that in fact the Wednesday services were not secret affairs, but properly published, albeit that more often than not she was the only other person present. Occasionally he would come to her house for coffee or she would go to the vicarage. One Friday as he left her house he had put his arm around her and said he thought he loved her. She spoke of a feeling of shock but confessed to it being a good feeling, thinking that somebody actually loved her. The following Wednesday she went to the vicarage. No one else was there. On the settee he put his arm around her and started to kiss her. She had pointed out she was 13 years older, but he had said that did not matter. One thing led to another and “we had sex”. After that he would visit her regularly. Sometimes they would just talk. Other times “we would have sex all the way.” According to her this was around the time when she was given the job as church cleaner.
11. The timing as to when Mrs A identifies the first occasion of “sex all the way”, which we interpret her to mean sexual intercourse, is unclear. In general, she was not a reliable witness as to dates. The evidence suggests that she was given the job of church cleaner in about early 2004. We should add incidentally that the evidence suggests that Dr Okechi did not arrange for her to have that job.
12. Mrs A gave evidence in respect of the following specific facts. One night during summer, she said, Dr Okechi came round by car wearing just a dressing gown and ‘flip flops’ complaining that his wife had locked him out of the bedroom. They had sex and he left. Dr Okechi denies this adding by way of detail, as confirmed by his

wife, that he did not possess any 'flip flops'. Mrs A said he frequently asked her to accompany him to funerals at the crematorium. He says that unaccountably she would turn up at such funerals amongst the people there. She says she sometimes accompanied him into Birmingham to purchase candles. He says that on such trips, unaccountably she would also turn up in Birmingham. She says that on one occasion he invited her to go with him to London because he needed to collect a visa for a trip to Prague and how they had travelled together by bus changing in Birmingham. He says that he went alone to the Czech embassy only to find her there. He had no idea how she would have known that he was going there, nor how she had followed him all the way to London; only that she had done so. This was probably during September 2004.

13. Dr Okechi's evidence generally in respect of this and all relevant times is that Mrs A's evidence of a relationship other than one of priest and parishioner is simply untrue; that he was aware that she was following him to the extent, in retrospect, which amounted to stalking. It is clear that at no stage did he make any complaint to her or to anyone that this was happening.
14. The texts and letter, to which we have referred, form evidence of vital importance.
15. The first issue of fact relates to a letter dated "Saturday morning 13th Nov '04". Mrs A says she received this from Dr Okechi, whereas he denies having anything to do with it. The terms of the letter are plainly intimate and start with the words "My dearest SH" which, she says, he used in communications, including text messages as short for 'sweetheart'. The letter was computer generated, using a font, which appears to be 'Lucida handwriting'. The only possible significance of this is that it appears to

be a similar font to that used for the church pew sheets or 'take aways' as they were known, when Dr Okechi himself produced them. We saw examples. The letter is conciliatory in tone and seems to refer to some difficulty that had occurred between them. However, Dr Okechi says that someone else must have produced it. We took the view that whoever did write the letter had an educated background. We formed the view that Mrs A was not as well educated and that she lacked the sophistication to have composed the letter to herself. We, therefore, had to consider whether anyone else might have composed it for some motive of his or her own.

16. We considered that issue together with the issue as to who sent a number of text messages to Mrs A's mobile phone. We heard evidence from Mr Andrew Budge, Head of Technical Services in the Information Technology Department at Church House, that he examined the phone, which was broken. He is not an expert witness, but rather an advanced mobile phone user. He gave us the benefit of his knowledge that messages, both incoming and outgoing, if not deleted, remain to be retrieved from the phone. He was, in this way, able to retrieve a number of messages that had been received by Mrs A's phone, together with one outgoing message which appeared to have been sent by her son using her phone. Significantly, of the received messages 6 used the initials 'Sh' which echo the start of the disputed letter. The precise text of 9 of the messages is attached to Mr Budge's statement. Each he managed to trace to Dr Okechi's mobile phone, or rather the mobile phone that the parish arranged for him to receive messages. We took the clear view that they were meant to be of a very intimate nature and were strongly suggestive that the sender was involved in a sexual relationship with the recipient.

17. Mrs A said that she liked receiving these messages – the reason she kept them –. Dr Okechi on the other hand strenuously denied having sent them. That left the possibility which we had to consider as to whether someone else had. We took the view that clearly each text message and the letter were written by the same person and had a specific message which appeared to indicate features which were known to both sender and recipient. It is not possible to date these messages. Having considered all the evidence, we rejected the possibility of their having been created by anyone other than Dr Okechi himself as being wholly unlikely.

18. At this point it is appropriate to consider the evidence of churchwarden, Charles Booth, who had cause to review the telephone account of the vicarage and observed that there was a large number of calls to Mrs A's telephone. Dr Okechi denied having made so many calls and said that someone else must have made them. Again, that seemed to us to be inherently unlikely. This evidence supports our conclusion that there was not a third party making mischief by creating messages of an intimate nature. Later in early 2006 Charles Booth was to hear Mrs A shout in the church "He won't give me my letter back." This turned out to be the 13th November letter. It seems from that evidence that Dr Okechi had been anxious to retain it. There was probably good reason for that.

19. We considered the various evidence of other people as to what they saw and heard and whether any such evidence could shed any light on the respective cases.

20. Diane Lewis had been one of the churchwardens. She observed no improper behaviour on the part of Mrs A towards Dr Okechi. Indeed, she said the opposite was true: had she seen anything she would have done something about it. Beatrice Cox,

on the other hand had heard them talking and laughing in what seemed to her an intimate manner in the vestry; she had seen 2 empty wine glasses and could smell wine in the air. This had made her feel uncomfortable. She had thought it was not quite right but not such as to do something about it. Nevertheless, she started to go up to the church with her husband after that.

21. Charles Booth, churchwarden, had not been aware of anything that might have roused his suspicions. In particular, he saw no signs of harassing or stalking or anything untoward one way or another except the meeting which took place in September 2005 following the August 2005 church trip to the Isle of Wight. Rachel Otosio had accused Mrs A's son B of stealing her mobile phone. As a result, a reconciliation meeting was arranged between the two women. The only relevance to our enquiry is that those present were surprised when Rachel Otosio came out with an accusation that Mrs A had had an affair with her husband, an accusation which Mrs A denied.

22. Ian Taylor gave evidence on behalf of Dr Okechi that he had overheard Mrs A at the marriage blessing in December 2003 that she wanted some special time with the vicar. He had noticed at this time that she kept butting in when Dr Okechi was talking to other people. He said that at the time other people told him to tell Dr Okechi to be careful. He said that there were occasions when he heard Dr Okechi tell Mrs A not to close the vestry door. He also explained that wine glasses were used to test the communion wine for 'bits'. We found this evidence improbable and generally found Mr Taylor an unsatisfactory witness. He seemed unsure of the evidence he was giving.

23. An important plank of Dr Okechi's case is that at all times their marriage was happy and they had never experienced any marital problems; that, so the logic dictates, there was no reason for him to become involved in an extra marital affair with anyone, let alone Mrs A. Rachel Otosio's evidence supported these contentions. However, there was an insurmountable obstacle in the form of the events which took place in the early hours of Tuesday the 2nd December 2005, when the police were called to the vicarage apparently by Rachel Otosio herself, because her husband was drunk. Whatever the precise truth of his condition, it is clear that the police deemed it necessary to arrest him and to detain him in a cell overnight, following which the West Bromwich Magistrates on his admission of a breach of the peace bound him over to keep the peace and to be of good behaviour for 12 months. The Bishop of Wolverhampton visited the vicarage that evening and spoke first to Dr Okechi before Rachel Otosio returned an hour later. He spoke to both of them as his letter to the Bishop of Lichfield and the Archdeacon of Walsall dated the 6th December indicates.
24. We have no reason to doubt the accuracy of what is recorded in that letter, namely that Dr Okechi told the Bishop that their marriage had been difficult for the previous 7 years; that they had money worries; that Rachel had been complaining about the shortage of money for the previous few weeks; that on the night in question they had been arguing about money; that he had shouted at her; that she had asked their daughter to phone 999 for the police; that Rachel Otosio on her return had apologised for calling the police. Whatever actually happened at the police station, the Bishop decided that it was a 'storm in a teacup' and recommended no disciplinary action. He concluded with his view that there were serious concerns about their marriage. Of course this exchange was in a context different to the present enquiry: we took the view that the Bishop had probably elicited the true and concerning situation. This was

further supported by the evidence of Hazel Bloxham that Dr Okechi came out with a “stream of complaints” about his wife at a standing committee meeting in March 2006. He denied that he had been present at this meeting, but we had no hesitation in accepting that he was present and that Hazel Bloxham’s evidence was correct.

25. These facts, in our view, lend credence to Mrs A’s account of Dr Okechi coming round in the night complaining of having been locked out of the bedroom by his wife. We certainly formed the view that Rachel Otosio was a woman who would make her feelings felt strongly.
26. The evidence suggests that the relationship between Dr Okechi and Mrs A was probably at times difficult. The letter of the 13th November 2004 suggests that. The evidence of Peter Chege, albeit read and not subject to cross-examination, suggests that at a vicarage party in the garden in July 2005, Mrs A kept trying to get Dr Okechi’s attention. However, he observed no inappropriate behaviour at the stop smoking seminar which was around the same time. The Christmas card sent to Dr Okechi addressed to “The Black Faced Vicar” was particularly unpleasant and Mr Lodge suggested that there was something of an echo in Ruth Conover’s evidence, which we have no reason to doubt, that in May 2006 she heard Mrs A shout “black face go back to where you came from.” However, that, in our view would be an insufficient basis to find that she was the author of that card, when there could have been any number of people who could have written such a racially offensive card. Moreover, it was clear that the writing on the card did not appear to be hers.
27. Richard Richardson’s evidence was to the effect that Mrs A had told him that she had had an affair with the vicar in 2005, but then later told him that it was untrue and that

she had only made up the story to hurt his wife, who she said hated her. He also gave as his view that there had been a racist conspiracy against Dr Okechi. We have to say that, once examined, it was clear that it was no more than a speculative theory; neither had it formed any part of Dr Okechi's case.

28. In hindsight, there were two indicators of Rachel Otosio's own suspicions that her husband might be having an inappropriate relationship with Mrs A which appear in the evidence. First, sitting in the car in Spring 2004, whilst her husband went into Mrs A's house to collect their son, she observed through the open door that Mrs A seemed to touch him inappropriately. Second, during the September 2005 reconciliation meeting she actually accused Mrs A of having an affair with her husband.

Conclusions

29. We had no difficulty in coming to the conclusion that Dr Okechi formed an inappropriate relationship with his parishioner, Mrs A. This was because we had no difficulty in rejecting his evidence on the key points as to whether she had been following him on the various trips referred to by both of them or had accompanied him at his invitation. Analysis of the London trip makes it inherently improbable that she would have been able to follow him on the various changes of bus and transport in London to turn up at the Czech embassy at the same time as he did, even if somehow she knew of his travel plans. We have no difficulty in finding that she went at his invitation. Similarly, her evidence in relation to the funerals, care home visits and candle purchasing visits makes a lot more sense. Moreover, if she really had been following him to the extent that he would have us now believe, it would have

amounted to stalking which would have required some sort of action on his part. There was, of course, none. Mr Iles made the strong point that Dr Okechi's complaint to the police in June 2006 that Mrs A had been stalking him for a matter of years simply did not ring true. We agree.

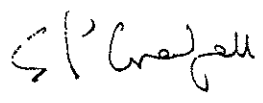
30. However, we recognised that there was an important further step to be taken in considering whether the relationship became adulterous. Here we analysed the supporting evidence and concluded that it pointed in the end in one direction only. We were satisfied that Dr Okechi wrote the letter of the 13th November 2004 and that he sent the 9 text messages which were retrieved from Mrs A's mobile phone. The terms of the letter and those messages together with Dr Okechi's denial of authorship, in our view, strongly support her evidence that her relationship with Dr Okechi became sexual. We reached the unanimous conclusion that there was an adulterous relationship between them which ended in the early part of 2006.
31. It is likely that the events of the 2nd December and the opportunity to talk about their problems with the Bishop brought husband and wife together, for it was not long before, as we find, that Dr Okechi told Mrs A that he loved his wife and that their relationship must cease, albeit that there were still difficulties between him and his wife. We think it is also likely that Mrs A took this badly and, as the evidence suggests, from that time she probably did appear to others as causing a nuisance to Dr Okechi.
32. However, that evidence is neutral in its effect for it is consistent with her being a woman scorned on the one hand or on the other with her being a woman who was harassing her vicar. So it is that the reports in June 2006 to the police of harassment

made first by Rachel Otosio and later by Dr Okechi bore some foundation, albeit some exaggeration. Dr Okechi's complaint was to the effect that Mrs A had been harassing him since the previous September. Significantly, however, there was no mention of such conduct going back to 2004, his case before the tribunal. Whether Dr Okechi had that morning, the 30th June 2006, received the letter of complaint cannot be determined. However, it is likely that he intended that his account should pre-empt any accusation of unfaithfulness on his part, but his suggestion to the police that it was a case of unrequited love was, as we have found, simply untrue, except that by that time there was an element of truth in what he was saying. By that time, Mrs A was plainly a very troubled woman and no doubt was making life difficult for Dr Okechi and his wife. For the reasons we have given, that can easily be understood.

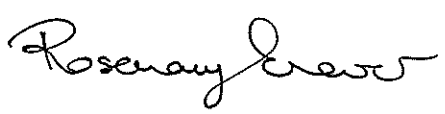
33. The Tribunal's determination on this complaint is as follows.

34. We find proved that the conduct of the respondent the Reverend Dr Patrick Otosio Okechi, the incumbent of the Good Shepherd with St John, West Bromwich in having an adulterous relationship with the complainant Mrs A a parishioner between about July 2003 and February 2006 was unbecoming or inappropriate to the office and work of a clerk in Holy Orders within section 8(1)(d) of the Clergy Discipline Measure 2003.

**HH Judge Simon Grenfell
(Chairman)**



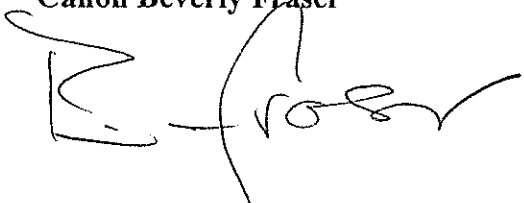
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