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Richard Holden: The horrifying tale of how I was baselessly charged with sexual assault – and what it says about the police and CPS



By [Richard Holden](#)



Richard Holden is a former Special Adviser and former Deputy Head of Press for the Conservative Party.

It's a Friday afternoon in May at Southwark Crown Court, and a jury has just taken a matter of minutes to acquit me of category three sexual assault, specifically "over the clothing touching", after a five-day trial. The judge says I "leave court without a stain on my character" and adds "I hope you can pick up your career where it left off." My barrister, who has practiced prosecution and defence in criminal cases for three decades, tells me that those comments from a judge are practically unprecedented in her career at the bar.

It has been, to put it lightly, a bit of an odd week. In what way odd? Prosecution witness after prosecution witness took the stand to give evidence that supported the defence. The officer in charge of the case in the witness box being questioned as to why he ignored or did not pursue, time after time after time, vital evidence that didn't match the complainant's story. The prosecution QC asked to clarify exactly what I was being accused of – because it keeps changing. Finally, the prosecution

pitched to “let the jury decide” what they thought were the version of events I was being accused of because they could not tell the jury. That sort of odd.

As I make my way out of the court, exhausted, and strangely empty after the worst 15 months of my life, Charlotte, my girlfriend, turns to me: “How on earth did we end up here?”

Good point. How did we end up here?

February 2017. I was at my office – working as a Special Adviser in the Ministry of Defence – when I received a phone call from the Metropolitan Police informing me that I was under investigation for sexual assault. Could I come into the station for an interview? I assumed there had been some mistake – I would pop down to the station, clear things up and carry on with my life. Instead my life was plunged into a Kafkaesque nightmare for the best part of 15 months.

Before I even got to the police station, I fought off an attempt to suspend me immediately from my job. I was told that the complainant had also written to the Cabinet Office – I argued that it could hardly be reasonable when I did not even know the allegation against me and when the Cabinet Office wouldn’t even tell me the details of the complaint they had received. But I reluctantly agreed to go on ‘Special Leave’ until everything got cleared up. I thought it would be a matter of days – a couple of weeks at most.

Then, the day after, the 14th of February, I took the train down to Sutton police station. They put it to me that I put my hands inside the coat of a woman at a house party at my home, dropped them down to the back of her knees, then up her skirt, grabbing her bum over her tights and underwear and reaching between her thighs with one or two of my fingers. I am utterly astonished and was clear that this did not occur. I told them my girlfriend Charlotte and I had used the party as an opportunity to show her friends that we were a couple for the first time.

Charlotte waited for hours in the pub round the corner for the interview to finish, nursing a glass of house white, on what can hardly have been the most romantic Valentine’s Day ever.

Six weeks later I was asked to offer my resignation which, not wanting to leave my colleagues or boss in the lurch for months with someone on ‘Special Leave’, I duly did. Then? Nothing. Months and months of nothing. At the station, the officers had told my solicitor, Mark, it would take a couple of weeks. That wasn’t to be.

The police contacted everyone they could get hold of who had been at the party – but when none of the other guests could back up the complainant’s story, the police just refused to take statements from them. Meanwhile, unceremoniously removed from a job I had worked all my adult life aspiring to, and struggling to pay my rent, I spent my days stuffing my CV into the hands of anyone who would take it, playing video games to numb my brain, and sinking slowly more into despair.

Meanwhile the world moved on – two weeks after I resigned, a General Election was called. I had stood as our candidate in Preston in 2015, and a few Associations from the North West knew me as a result. I received calls from a couple of people – come to our seat and stand: we want you as our candidate and you could win. I feigned lack of interest – told them it wasn’t the right time. I couldn’t tell them the truth: of course, I would be honoured to, it’s just that my entire life has been torn apart and there’s no sign that the police are ever going to conclude this investigation.

Instead – also told I could not work for CCHQ, where I’d worked from 2005 to 2015 – I went back to the North West. Driving back round the towns where I grew up – dropping in on marginal seats day after day, delivering leaflets with the candidates and their teams. Eventually, I settled in Westmorland and Lonsdale, where the excellent James Airey was giving Tim Farron a run for his money and they looked like they needed a helping hand. I loved my time there; people were kind, and I felt for the first time in months like my head was clearer and I had a purpose.

But then the election finished, and I went back to listlessly wandering around looking for a job. Things became more and more difficult. My girlfriend and I broke up in late summer under the relentless pressure of the situation. I managed to secure a job with Newington – a public affairs agency.

And then the ‘Pestminster’ scandal breaks. Someone leaks the details of the investigation to *Buzzfeed*. They approach me for comment, tell me they will publish at 8pm. Charlotte and I, not

together but still close friends, sat in a pub in Parsons Green for hours, watching the minutes tick by, waiting for the clock to tick over to 8pm and for the bomb to explode under our lives.

I tell her to call her mum, let her friends know, explain to everyone so they don't have to come up with their own explanation. I do the same. Newington fire me by email that afternoon, before the story is published, and issue a statement citing their 'highest ethical standards'. It doesn't seem to matter that I haven't done anything unethical. 8pm comes and other outlets pick it up.

The next day, after nine months of nothing, the police inform me by letter that the CPS are charging me. I am told I will have to appear at Camberwell Magistrate's Court in a month.

Unemployed and unemployable in the fields I have always worked in, I speak to my solicitor, Mark, and he gets a barrister friend of his to represent me at a reduced rate. All my legal costs still need to be paid up front. I apply for and am refused legal aid as my earnings for the year will be over £37,000.

The police call my solicitor and say that a decision has been taken that I need to appear at Westminster Magistrates Court; I will be appearing instead before the Chief Magistrate of England and Wales. I am photographed going in and out of Court No. 1. My hearing is straight after that of two terrorism suspects who are remanded in Belmarsh for allegedly trying to assassinate Theresa May, whose leadership campaign I worked on 18 months before. The CPS lawyer doesn't turn up to prosecute me, so I have to send my solicitor running round the court for two hours to find a spare CPS lawyer who can. I plead not guilty and am told that I will need to attend Southwark Crown Court for my committal hearing in January to set a date for my trial.

In January 2018, eleven months after I first walked into Sutton police station, I attended Southwark. On arrival, Mark tells me he had two pieces of bad news. The first: that earliest trial date is late July, six months away. The second: the Crown had decided to prosecute me with a top QC from one of the country's top prosecution sets. This means I need to hire a QC myself, at potentially many multiples of the cost of Mark's friendly barrister.

Eventually we were 'lucky' – a trial date is found in late May. I carry on in limbo. Again, I manage to find myself a job.

Then we got the initial stage of the disclosure of the evidence the police had actually gathered. I looked through it, bemused. There didn't seem to be a single witness who was there who backed up the complainant's story. One person says that I seemed a bit drunk at one point late in the night. Another person says he saw me hug someone, but that may have been my girlfriend. They are the prosecution's witnesses. I remember all of the people who said that they had been contacted by the police, but who said they didn't see anything. I flick through the evidence. No mention of any of them. Nor any mention of my two of my friends, a married couple, who had told me that they had given taped interviews to the police.

Because police had comprehensively failed to investigate, a number of friends of the complainant who had attended the party with her, and even Charlotte, hadn't been interviewed. A senior work colleague whom I was on the phone to for quarter of an hour just 20 minutes before the alleged incident hadn't been spoken to. About a dozen more people who had attended the party and were there at the time of the alleged incident had been dismissed with no statement taken.

I couldn't understand why the police hadn't taken statements. My solicitor said it was a case of "pre-interview interviewing" – sifting out people who don't back up a case that is being constructed – even though the police's legal responsibility is to pursue all reasonable lines of inquiry. My solicitor was going to have a lot of work to do doing basic evidence gathering, all at cost to me. The irony being that the more evidence you have to support your innocence, the more it costs you to defend yourself.

The police had interviewed my friend, the married couple, on tape. Then, when we asked for this to be disclosed, the officer-in-charge said it hadn't happened and the tapes didn't exist. When we sent them the emails from the officer who took the interviews, in it he said the officer-in-charge had said that they "added nothing" so their interviews "wouldn't be turned into statements". We then got the full transcripts of the interviews within a couple of days.

Also, the police haven't bothered to look at the complainant's phone, her online communications, or any of her social media. We know that she'd 'Liked' a photo of herself at the party the day after it had happened. We know that she'd sent messages to her friends on the night, after she alleges she'd been attacked, saying that she'd "had a great night" and "thanks for the invite to the party".

She and I had been in contact via text and Facebook messenger before the party. We ask them to get this evidence as part of disclosure. Thirteen months after interviewing her, they asked to look at her phone. She refused, citing 'privacy'. Eventually she allowed them to look through her phone. Nothing was there. Whatever was backed up to the cloud had disappeared. There was no mention of anything to do with me or that could be deemed relevant to the case from the last 17 months. Any messages between us, automatically backed up to the cloud, according to the police, from her phone settings, are no longer there. Unbelievable, you may think, but there was nothing there.

Six weeks before the trial, Charlotte and I get back together. We both realise that this is something really important to us both and that we're not going to let this entire nightmare be the thing that keeps us apart. What happens in the future, who knows, but for now we want to go through this together.

The trial begins. The complainant alleges that I repeatedly approached her, while she was with a group of friends, paying her compliments and hugging her. She then alleges that I came up to her in the middle of an open-plan downstairs containing around 15-20 people, put my hand inside her coat, down the back of her legs, then up her knee length skirt, then down the outside of her tights – and then reached between her legs, from behind, before being dragged off her forcibly by an onlooker who screamed "get off" or "f*ck off".

The jury ask for a demonstration – what is alleged to have happened doesn't seem to be physically possible without me having either bent down or fallen over. There is no demonstration.

The person who left the party with the complainant is called as a prosecution witness. How did the defendant leave the party? Mr Holden gave her a hug, released her and we left together. Could you describe the hug? Yes, he hugged her over the top of her clothing like this (gesturing with his arms that they were up round the top of her body, over her clothes). Did you see his arms? Yes, over her clothes. Did anyone shout or scream anything at the party? No. Did anyone drag anyone off anyone? No. Did Mr Holden approach a group of you, her, and other friends, hugging and complimenting her through the night? No.

All his answers are further corroborated by the complainant's other friends who attended the party, in the defence case later – whom the police had not bothered to interview after calling them and asking a couple of questions.

A friend of mine is called as a prosecution witness. The CPS have flown her in from the West Coast of America. She's asked what she meant by saying Mr Holden was drunk. She says, as she said in her initial statement, that I wasn't unsteady on my feet nor slurring my words. She's asked to clarify further. She says that on a scale of being mildly tipsy to people you see plastered on a Saturday night he very much at the mildly tipsy end of that. And then I walked her home from the party at 3.30am, to her flat in South London where her husband was (he'd happily left her at the party at 1am). She says she saw no-one scream or shout or saw any commotion as suggested.

I notice the jury exchanging bemused glances with each other.

Statements are then read from other people the complainant spoke to, making the allegation. Each is significantly different. In one instance, in a complaint made by her to the now Home Secretary, I am said to have grabbed her "bare flesh hard" and "nobody would have seen it". In another, a bystander dragged me off and screamed at me, causing a commotion that everyone would have seen. In another, it was two bystanders who pulled me off. In one it is in the middle of the room, in another a corner, in another against a wall. In one, two hands; in another, one hand. In one she says I came up to her from behind, in another the front.

What exactly is the case that the prosecution is making?

The onlooker who is alleged to have dragged me off takes to the witness stand. Did you drag Mr Holden off and shout or scream at him? He says he did not. Did you notice anything happen at all? He did not.

I take the stand for two hours. There is confusion as to what is being alleged when the prosecution QC doesn't put an allegation to me. The judge intervenes and insists she does so.

The jury look increasingly shocked that this trial is taking place at all.

The trial continues. The defence read out statements from the partygoers, all of whom with my solicitor I had to track down after the police ignored their evidence. The jury seem to be asking each other why the defence had to take these statements, rather than the police.

In statement after statement, the people at the party say nothing happened. They say they would have noticed if something had. It was actually a quite dull party, with no loud music and not many people there. Time and time again statements are read out. They say the same thing.

My character witness statements now start. Friends from school and university, ex-girlfriends from over the years, people who employed me, people who worked under me. One friend stands up in court to say how I helped her get over being raped as a teenager. Another says that in full knowledge of the allegations against me, he and his wife asked me to be the godfather to their daughter. The former Leader of the House of Lords says while it's crucially important for people who have been sexually attacked to come forward, it's incumbent on women like her to speak up for those they believe are falsely accused. At various points I struggle not to break down in tears at what people have said about me.

Aside from that, I am bizarrely calm throughout; except when the police officer who investigated gives evidence. How did they let it get this far, when every witness not only fails to back up the allegation, but directly contradicts it? But mainly I am calm. I know I am innocent, and the prosecution looks more ridiculous with every word each witness says. There is not a jury in the world, surely, who would find the wrong way?

Surely?

And so, on Friday, the jury are sent to begin their deliberations. A few of my friends and family have gathered to be there, but we don't know when to expect the result. It could be Tuesday – after the Bank Holiday – if they aren't back by 4pm. My barrister says that even in clear-cut cases the jury usually takes a few hours. Charlotte paces up and down the corridor like a caged lion. I make silly jokes to anyone who will listen. My dad just sits there silently. We are all wondering how long it will take – how long we can stand it for.

Ten minutes after the jury finish their lunch break we are called back into the court. My barrister and solicitor both say it's too soon (the jury have been out for about 30 minutes and have had to pick a foreman, have a cup of tea and start deliberation) and tell me it'll just be a note from the jury on a clarification or something. I relay the message to my gathered friends and family. Nobody seems to know for sure what's going on. Suddenly, it becomes apparent that it is not a note at all but the verdict.

The jury traipse back in – they are chatting lightly together, there is occasional laughter, patting on the back. When they have settled down, the judge peers down at them. She asks them for their verdict.

How do you find the defendant?

Not guilty.

And it ends. After 15 months of waiting. An investigation by the Met's top team, costing hundreds of hours of police time and tens – if not hundreds – of thousands of pounds of taxpayers' money spent by the state on the prosecution.

Tens of thousands of pounds that I don't have, and won't get back (I may only be able to get about 20 per cent of my legal bills back, having been found innocent, and nothing to recover the loss of earnings) – including the many hours of my solicitor's time spent finding the evidence the police ignored but the court clearly considered were important, not just reasonable, lines of inquiry.

After two jobs lost, who knows how many opportunities missed (including the ability to again stand for Parliament), my relationship pushed to breaking point, untold pressure put on my friends and family.

Fifteen months of nights spent awake in bed or roaming the streets late at night, too worried to sleep. Fifteen months of days largely spent sitting on the sofa, too tired, too sad to move.

After all that. Fifteen minutes after lunch, and it was all over.

But of course, it wasn't really over. It still isn't. The last few weeks have felt like coming up, slowly, from a deep sea dive.

I'm very glad that my current employers hired me and kept me for the last few months and through my trial. I owe them a huge amount: I couldn't have wished for a better, more professional or more reasonable company to work for.

I have been blessed by a supportive family and so many wonderful friends and acquaintances. They have been brilliant. I would not have made it through without them. Their kindnesses – some gargantuan, some small – have kept me together.

The judge's words at the end of the case, after hearing all the evidence that "Mr Holden leaves court without and stain on his character and I hope he can pick up his career where it left off" show that my friends and family were right to back me.

But I still want my life back. I want my career back, too. I spent my life volunteering and later working for the Conservative Party and working in government. That part of my life has been stalled for over a year and I hope that I am, once again, able to serve my party and the country I love. Last week, my suspension from the candidates list, due to the trial, was lifted – at the first opportunity – and I hope that's a sign of things to come.

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[MatthewD01](#) · *1 day ago*

What an horrific ordeal you have been through. I have two thoughts, how can you have a credible justice system when the people who operate in it are frightened to say there is insufficient evidence? Surely the judge should have thrown the case out before it got to the jury, likewise the CPS? Secondly, you have found a fantastic girlfriend in Charlotte. Good luck to you bot>

Reply



[catchall1](#) · *1 day ago*

Welcome to the 2018 new real world. As the relative of gangsters and other sorts, with many confidences to keep of which I am privy to, I can fully believe your bad luck or should I say, good fortune. You have escaped from a system where the past forty years of conservative rule has meant that should anyone try to defend themselves against an injustice, the Tory judiciary will endeavour to make sure you lose ANYWAY.

Your accounts, if true, is just the tip of the icebergs my friend. When a friendly con tells me that the number of innocent in jail has shot up again to 30%, you can bet your mother's life he knows what he's talking about and he speaks the truth. I have experienced much abuse of powers and I always ask

one question to any person that thinks they can represent me, "do you think it is right for the police to pick and choose which laws to enforce and which to ignore?"
What are you going to do when they all want to carry guns?

Reply



[WontReadReply](#) · *1 day ago*

This would never happen in Japan!

Reply



[OneWayUpNorth](#) · *1 day ago*

I presume that you would have had your DNA, photograph and finger prints taken at the time of your arrest ?, Imagine you wanted to visit the states on a Visa, You would be asked if you were ever accused of any offence and would not be granted a US visa, Your details will be stored on the Police national database also.

There was a recent judgement in Febuary this year in the ECHR, Michael Gare-Simmons v the UK,
1. The applicant, Mr Michael Gare-Simmons, is a British national, who was born in London and lives in Gerona, Spain.

2. The United Kingdom Government ("the Government") were represented by their Agent, Ms Verity Robson of the Foreign and Commonwealth Office.

3. The applicant was arrested on 18 May 2011 on suspicion of sexual assault on an adult male. On arrest, his DNA, fingerprints, and photograph were taken and retained on the relevant, state databases. The applicant was later released without charge.

4. The applicant complained under Article 8 of the Convention about the retention of his biometric data and his photograph. On 1 December 2017 and 4 December 2017 the Court received friendly settlement declarations signed by the parties.

5. In the friendly settlement declaration the government confirmed that the applicant's biometric data (namely his DNA sample, DNA profile and fingerprints) were deleted on 1 October 2014 at the latest, and that his photograph was deleted on 11 May 2017 at the latest.

6. The applicant agreed to waive any further claims against the United Kingdom in respect of the facts giving rise to this application against an undertaking by the Government to pay him EUR 500 (Five hundred euros) to cover any and all costs and expenses, plus any tax that may be chargeable to him, which will be converted into pounds sterling at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay

simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case.

Reply



[DPep13](#) · *1 day ago*

Richards case was "odd" to say the least. Share this. Various newspapers stated he had a £1m pad in London- utter garbage-the case was thrown out by a Jury after a 15 minute deliberation-I see bias and cruelty right through this. He has lost his career- it has cost him tens of thousands of pounds-he could have gone to prison it cases him to split up with his girlfriend and he will have this stigma surrounding him for his entire life. I wrote to one of the journalists (for example) about the inaccurate press statement about his alleged £1m house (this was sensationalised for effect) and all I got was "it was from the press association". It was false and "spinned" for no other reason but to destroy another person without there being any fair minded and balanced approach. There have not been any retractions of statements or apologies for false accusations. There seems to have been a view taken to drop him like a hot potato - no one stood by him. He faced this 15 month trial by innuendo on his own. He can only claim back a small amount back. What if he had decided to kill himself because of this? It makes me go cold. A cruel and spiteful false accusation which ended a young mans career.