



Nicholas Evans

Nicholas is an experienced and committed senior criminal barrister having appeared in some of the most serious criminal trials. He has a robust and tenacious manner. He has over the last 22 years secured numerous acquittals in cases involving high level surveillance, complex telephone data, and DNA evidence.

He has a personable and grounded approach which enables him to advise clients, reassure family members and guide juries to the desired conclusion.

He is both leading and led junior, having appeared in multiple murder/attempted murder cases, complex drug cases involving EncroChat technology, firearms cases from trafficking across international borders to simple possession. Nicholas is regularly instructed in cases representing alleged OCG charged with drugs/firearms/modern day slavery/blackmail/kidnap offences.

Nicholas has represented the most vulnerable in society from those with serious physical disabilities to those with serious mental health issues.

Nicholas is able to fillet serious and complex cases and get to the crux of the case without fuss, simplifying the most complicated cases.

Nicholas, when necessary, has appeared in the Court of Appeal successfully appealing both convictions and sentences.

Notable Cases

Court of Appeal

Appeals against conviction

L. (L.) [2011] EWCA Crim 65; [2011] 1 Cr. App. R. 27;

Summary: A defendant's conviction was unsafe where he had been convicted by a jury which included a long-standing employee of the Crown Prosecution Service. The additional presence on the same jury of a serving police officer and a retired police officer who were not connected to the case was of no concern since questions of disqualification or excusal had to be directed to individual potential jurors rather than to the jury as a whole, save, potentially, in very exceptional circumstances – conviction quashed.

R-v-J H [2013] EWCA Crim 1347;

Summary: Successfully argued that fresh evidence be admitted showing that a motorcycle, the subject of a handling stolen goods count, was not in fact stolen – conviction quashed.

R-v- G (AT) [2015] EWCA Crim 1640

Summary: CCRC referral. Conviction for rape reviewed following the production of telephone records, unavailable at trial, and therefore not placed before the jury. COA did not fully accept the submissions that a) the police fell short in their duties to investigate properly, and b) the defence team had been negligent in not seeking the telephone records. Despite accepting the submissions in-part the conviction was nevertheless safe – conviction upheld.

R. v M (M) [2014] EWCA Crim 245

Summary: I did not appear in the Crown Court. Judge summed up directing the jury suggesting that they could draw an adverse inference from the defendant failing to call members of his family to support his account. Held: It was dangerous for a judge to make a comment indicating that the jury should regard the absence of a witness who could have been called, as a factor which pointed towards guilt, *R. v Khan (Shakeel)* [2001] EWCA Crim 486, [2001] Crim. L.R. 673, [2001] 3 WLUK 110 considered. However, the judge had reminded the jury immediately afterwards that the burden of proof remained on the prosecution. He had also made it clear that the absence of supporting evidence was to be regarded as no more than a factor in deciding how much weight should be given to M's explanation. Furthermore, even if the judge's comment had gone further than it should, the evidence against M had been overwhelming and there was no doubt that his conviction was entirely safe. Conviction upheld.

Appeals against Sentence

R. v Patel (Tristan), R.-v-B [2021] EWCA Crim 231

Summary: In the case of offenders who were convicted before 1 April 2020 of a violent or sexual offence, as specified in the Criminal Justice Act 2003 Sch.15 Pt 1 or Pt.2, and sentenced after that date to fixed-term custodial sentences of seven years or more, meaning that the Release of Prisoners (Alteration of Relevant Proportion of Sentence) Order 2020 applied, changing their point of release from half to two-thirds of their sentence, it was right that their sentences were not reduced to reflect that change. The fact that their sentencing had been delayed, in most cases because of the COVID-19 pandemic, was not sufficient to make them exceptional cases where it would be appropriate to take account of the early release provisions.

Attorney General's Reference (Nos 41, 40, 39, 38, 37 and 36 of 2009) [2009] EWCA Crim 2343

Summary: Whilst sentences of imprisonment of between four and eight years, imposed on six offenders for an offence of kidnapping that had involved careful planning, a large ransom, violence and threats of death, were lenient, they were not unduly so when set against the guidance in *R. v Spence*. AG's application refused.

R. v S (D) [2009] EWCA Crim 2569

Summary: It was submitted on behalf of the appellant that the sentence of four years' imprisonment was both wrong in principle in that the learned judge rejected the proposal that he impose a further DRR and, secondly, in any event was manifestly excessive, the judge having adopted too high a starting point and failing to give sufficient credit both for his plea and for his co-operation with the police in admitting the further 26 offences to be taken into consideration. Appeal dismissed

R. v S (I) [2011] EWCA Crim 1427

Summary: Submitted that a sentence of 3 years for multiple benefit frauds committed by a Romanian national with a starting point 4 ½ years was manifestly excessive. Appeal dismissed

R. v W (A) [2012] EWCA Crim 1363

Summary: A total sentence of 14 months' imprisonment imposed on an autistic young offender following his guilty pleas to theft, common assault and breach of a suspended sentence was reduced to six months' imprisonment, suspended for 12 months. The offender had been released on bail pending his appeal and any return to prison would undo work done by mental health professionals to help him readjust to life in the community and would aggravate his mental state. Appeal allowed.

R. v N (A I) [2012] EWCA Crim 1300

Summary: A sentence of three years' detention imposed on a young offender following his guilty plea to an offence of burglary of a supermarket was reduced to two years where the judge had used too high a starting point and had had insufficient regard to the offender's guilty plea and admissions in relation to other burglaries.

"At Mr Evans' invitation, we do however observe that, following the implementation of the new sentencing guidelines on offences to be taken into consideration, it will be necessary for

police officers initiating a clean slate procedure such as happened in this case to make matters clear to a would-be admitter of a serious crime, and it may indeed render necessary access to legal advice where none was required before.” Appeal allowed.

R. v De C (K A) [2013] EWCA Crim 2249

Summary: It was submitted, inter alia, that in Mr De Carvalho’s case the consecutive sentence for the possession of the firearm was excessive in all the circumstances of the case. That the gun recovered from Mr De Carvalho’s house was the gun used in the robbery. The fact that Mr De Carvalho was still in possession of it at the time of his arrest should not add to the sentence and a concurrent sentence could properly have been passed, particularly in the light of the long sentences which had been passed on the other matters. Appeal allowed

R. v B (R D) [2014] EWCA Crim 2513

Summary: The court considered the safety of a murder conviction which relied on the analysis of a mixed profile Low Copy Number DNA. Two prosecution witnesses had produced inconsistent conclusions in 2011 and 2013 from the same sample. The court was prepared to accept that the 2013 analysis was a sufficiently reliable scientific basis in light of the fact that scientific understanding in the interpretation of mixed DNA profiles had developed significantly between 2011 and 2013. Appeal dismissed.

R. v A (S) [2019] EWCA Crim 1653

Summary: The Judge was wrong to impose a sentence of immediate custody when the option to suspend the sentence was open to her. The sentence imposed by the judge quashed and replaced with a sentence of 16 months’ imprisonment, suspended for 2 years. Appeal allowed.

R-v-A Al- N [2008]

Appeal against sentence – 18 month DTTO received at Croydon CC. Case ought to have been remitted to the youth court to be dealt with at the same time as other outstanding matters. Appeal allowed

R-v-C [2008]

Appeal against sentence – Sentence for rape of prostitutes manifestly excessive. Appeal dismissed.

R-v-G [2011]

Appeal against sentence – robbery of jeweller’s, reduced from 24 month DTTO to 18 months. Appeal allowed.

R-v-W [2013]

Appeal against sentence – leave of single judge – without prejudice discussions between defence and prosecution over basis of plea. Disclosed to trial judge by prosecution. Trial judge reduced discount for guilty plea despite basis of plea not placed before the court advanced by defence. Appeal dismissed.

Notable cases Crown Court:

Murder

R-v-A M – Reading CC – Gangs, involving ambush and stabbing with Samurai sword.

R-v- O – CCC – Gangs – stabbing at dance hall event.

R-v-J – St Albans CC – matricide – mother stabbed over 60 times.

R-v- G – St Albans CC – wife – attempted to cover up killing by burning then disposing of body in suitcase and burying in woods.

R-v-R – CCC – drugs – gangs – stabbing.

R-v-E T – Chelmsford CC – drugs – gangs stabbing.

R-v-B – CCC – drugs – gangs – assassination.

R-v- A – CCC – gangs – joint enterprise – stabbing

R-v-Woolcock – CCC – revenge attack – stabbing

R-v-K S/ R-v-J V (murder/violent disorder) – CCC – gangs – Westfield – stabbing

R-v-C – CCC – gangs – shooting

Examples of other offences (synopsis from 2008 onwards)

2022 – R-v-C – St Albans CC – s.47 – assault PC – police officer with genital piercing ripped out whilst restraining prisoner – acquitted

2022 – R-v-M – St Albans CC – controlling and coercive behaviour, multiple assaults – acquitted following legal argument – hearsay provisions.

2022 – R-v-K – Harrow CC – sexual assault – half-time submission – granted.

2022 – R-v-K A – Luton CC – attempted murder/s.18 – application to dismiss – granted.

2021 – R-v-M – Woodgreen CC – s.18 stabbing – defence, complainant inflicted injuries himself – acquitted.

2021 – R-v-S N – Harrow CC – kidnap, False imprisonment, s.18 – half time submission – granted.

2018 – R-v-G – Reading CC – multi-handed conspiracy to supply cocaine – acquitted

2018 – R-v-E – St Albans CC – multi-handed conspiracy to kidnap- false imprisonment -blackmail – acquitted.

2017 – R-v-Z – St Albans CC – multi-handed conspiracy to evade VAT on importation of firearms – DNA on weapons – extensive surveillance – European element – Dutch police witnesses – acquitted.

2016 – R-v-A – Snaresbrook CC robbery – cash in transit – acquitted

2016 – R-v-J-L – Snaresbrook CC – possession of firearm with intent – threats to kill – kidnap – acquitted.

2016 – R-v-T – Snaresbrook CC s.18 – robbery – gangs- acquitted.

2014 – R-v-P Kingston CC – multi-handed conspiracy to commit robbery s.18 theft – cut-throat defence – acquitted.

2013- R-v- A Inner London CC burglary – ID evidence, drive past, excluded breach of PACE – burglary – acquitted

2013 – R-v-A Woolwich CC – armed robbery – joint enterprise – acquitted

2012 – R-v-O Woolwich CC – armed robbery, offensive weapon – acquitted

2012 – R-v-P Woolwich CC – possession of imitation firearm with intent – half time submission – allowed

2012 – R-v-S – Kingston CC, S.18 – acquitted

2012 – R-v-T – Ipswich CC – s18 Multiple attacks on strangers – lying in wait at train stations. Fitness to plead.

2011 – R-v-Y – Blackfriars CC Affray – unreliability of pros witnesses – submission of no case – granted.

2011 – R-v-C- Kingston CC – possession firearm – cultivation cannabis.

2010 – Blackfriars CC R-v-J C – possession firearm with intent, threats to kill – acquitted

2008 – R-v-H – Harrow CC – in charge of a dog dangerously out of control

2008 R-v-N A CCC – robbery , s18 – robbery of book makers, facial mapping, DNA – acquitted

Education

1996/9 LLB Hons, School of Oriental and African Studies University of London.

1999/00 LLM Hons, Distinction, Master in International Law, University of London.

2000/1 BVC, Inns of Court School of Law.

Memberships

Criminal Bar Association

South Eastern Circuit