



Thomas Evans

Year of Call: 2010

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Overview

Thomas (Tom) Evans has developed a successful common law practice in crime and personal injury. His criminal practice encompasses regulatory, disciplinary and licensing matters (for further particulars, please refer to his 'expertise' tabs).

Tom is recognised as an eloquent, subtle and persuasive advocate: Mr Justice Goss, sitting in the Court of Appeal, described his submissions as "cogent and economical". As a student, Tom demonstrated his potential by winning both the 2010 College of Law BVC Mooting Competition and the 2010 Inter-Varsity Mooting Competition.

Prior to coming to the Bar, Tom worked in the Judge's Chambers of the United Nations International Criminal Tribunal for Rwanda ('UNICTR') assisting with deliberations and the drafting of judgments. He also benefits from 18 months experience working as a full-time paralegal in two firms of London solicitors; gaining an understanding of the practicalities of case management and solicitors' expectations of counsel.

He is direct access qualified.

Legal Publications

- 'Will physical proximity suffice in the commission of violent disorder?' Criminal Law and Justice Weekly Vol. 174 July 24 2010
- 'The Holy Grail' Criminal Law and Justice Weekly (online edition).

Recommendations

'Tom is always well-prepared and on top of his brief. He has clearly thought about it in detail. His speeches are assured and well-constructed. He is calm, measured and conspicuously good at his job for his level of call. He engenders confidence in the trial judge, jury, client and opponents alike. A very good and talented barrister.'

Legal 500 2021/Crime

"Mr Evans came to 'his fore' when cross-examining the defendant. I have been party to many a prosecution cross-examination, but his delivery and attention to detail was the best I have ever witnessed, it was clever and directed at the appropriate level. I was most impressed that the defence barrister was to comment that the cross-examination was "forensic and exact". His direct cross-examination ultimately caused the defendant to enter a "guilty" plea mid-way through his evidence."

CPS court case - Officer in the case.

"Just a quick letter to say thank you for the result we had in court. The barrister you gave me was brilliant and couldn't have

done better. Please tell Mr Evans I said thank you, his final speech was amazing with great attention to detail." **Lay client acquitted of s.18 GBH to instructing solicitor.**

"Tom - I just wanted to say thank you for all your efforts.

I have always found the law fascinating. My grandmother was one of the first female Magistrates, my grandfather, father and brother are all lawyers. So I have always been surrounded in the language of the law and during many lunches and suppers we would debate the meaning of certain words.

Yesterday was a fantastic example of a Barrister using diplomacy and tenacity in equal measure to make your point in regards to the substantive / significant point of law. It will no doubt become an incidental footnote in just another legal brief - but it was an important matter that needed to be brought to the courts attention and one which you made eloquently and resolutely.

Your job must be incredibly rewarding when the court makes a decision that both the prosecution and defence believe to be best for all parties. I believed we reached that equilibrium yesterday and I will always be indebted to you for helping the judge reach that decision."

Lay client who narrowly avoided an immediate sentence of imprisonment following his guilty pleas to two counts of causing serious injury by dangerous driving.

Academic qualifications

- BVC, College of Law - Very Competent
- GDL, College of Law - Commendation
- BA (Hons) History, University of Sussex - 2.1
- Winner of the 2010 College of Law BVC Mooting Competition
- Winner of the 2010 Inter-Varsity Mooting Competition

Professional qualifications & appointments

- CPS Grade 3 Prosecutor
- Former member of the Treasury Solicitors' Junior Junior Panel

Expertise

Crime

Tom is ranked as a leading individual in the Legal 500: described as "calm, measured and conspicuously good for his year of call." He is recognised as a skilled advocate and talented tactician representing clients charged with offences of the upmost seriousness and complexity. His practice encompasses the fields of general and regulatory crime. He also prosecutes for the Crown Prosecution Service and other agencies.

Prior to coming to the Bar, Tom worked as full-time paralegal in two firms of London solicitors where he ran his own caseload. He was the case manager in R v Thakrar [2012]; which resulted in the Defendant being acquitted of two counts of attempted murder, and one count of GBH, following his wounding of three prison officers at HMP Frankland.

Tom also worked in the Judge's Chambers of the United Nations International Criminal Tribunal for Rwanda ('UNITCR') based in Arusha, Tanzania.

Recent Cases:

Appeals

R v Digby [2020] (defending)

The Court of Appeal significantly reduced the compensation order that had been imposed on Tom's client. The Court found fault with the Judge's handling of proceedings but did not overturn the Defendant's conviction. At the conclusion of Tom's submissions, Lord Justice Stuart-Smith stated, "*whatever the outcome, your client should know that he has been well-served in this appeal and at his trial.*"

R v Thomson [2018] (defending)

Tom successfully appealed Mr Thomson's 18-month sentence for possession of a Samurai sword in a public place. The Court of Appeal found that the sentence imposed had been "*manifestly excessive*" and substituted a sentence of 12 months' imprisonment. Mr Justice Goss described Tom's submissions as "*cogent and economical*".

Dishonesty

Operation Uptown [2019]: conspiracy to rob.

Tom was led by Tim Bradbury in this successful prosecution of a conspiracy to rob a high-end jewellery store in Bournemouth. The Defendants received a total of 98 years' imprisonment (<https://www.bbc.co.uk/news/uk-england-dorset-50585149> - warning this link contains graphic footage of the violent armed robbery).

Operation Barren: cheating the public revenue [2018/2019] (prosecuting)

The Defendants were alleged to have engaged in numerous 'phoenix frauds' over a period of some 10 years defrauding the public revenue of more than £3.2 million. Tom acted for the prosecution in a trial lasting 7 weeks (led by Tim Bradbury). [Click here](#) to read the BBC News report.

Drugs

Operation Kodak [2019] (defending)

Tom's client was alleged to have been the courier of Class A drugs on at least 7 occasions between Liverpool and Bournemouth (led by Robin Leech). Out of 9 alleged co-conspirators, their client was the only one found to have been not guilty. [Click here](#) to read the BBC News report.

Operation Daraga [2018] (defending)

The Defendant was alleged to have been involved in a significant conspiracy supply class A drugs. An undercover operation had identified numerous suspects and recovered over a kilogram of heroin. Tom acted for the Defendant in a trial lasting 2 weeks (led by Nick Robinson).

Operation Energy [2017] (prosecuting)

An undercover operation in the Weymouth area targeting Class A drug supply networks. Tom acted for the Prosecution.

Violence

R v Rose [2020] (prosecuting)

Tom successfully prosecuted this vicious aggravated burglary and s.18 GBH. The Defendant attended the victims' home in the early hours of the morning armed with two empty bottles of wine. He kicked down the door, woke the occupants and caused GBH-level injuries to two of the occupants. The Defendant was sentenced to 7 years' imprisonment.

R v Hoppe: kidnap, aggravated burglary, attempted robbery [2019] (prosecuting)

Tom successfully prosecuted the Defendant who was found to have engaged in a spree of offending including kidnap, two aggravated burglaries and an attempted robbery. In total, the Defendant was convicted by a jury at the Crown Court in Bournemouth of 13 offences including historical allegations of violence. HHJ Climie determined that the Defendant was a 'dangerous' offender and sentenced him to 15 years' imprisonment with an extended licence period of 5 years. [BBC Report](#).

R -v- O'S: s.18 GBH [2018] (defending)

The Defendant engaged in a sustained attack on his 14-year-old son during which he used a skateboard and a baseball bat. His son suffered a fracture to his kneecap as a result of being hit with the baseball bat. At an early hearing the Defendant entered a guilty plea to an offence contrary to s.20 OAPA 1861 but maintained that he did not intend to cause his son grievous bodily harm. Following a 4-day trial, the jury returned a unanimous not guilty verdict to the indictment.

R -v- D: s.18 Wounding [2018] (defending)

The Defendant and his wife were involved in a neighbour dispute. One evening there was an argument over their playing the bongos at an excessive volume. The Defendant and his wife their neighbour's property armed with a kitchen knife (his wife armed with a golf-umbrella). The Defendant stabbed his neighbour in his abdomen whilst allegedly shouting "I'm going to fucking kill you"; his wife repeatedly struck the neighbour to the head with the umbrella. Following a 6-day trial the jury returned unanimous not guilty verdicts to the indictment. Both the Defendant and his wife were found guilty of the alternative offence under s.20 OAPA 1861. At an earlier hearing the Defendant had offered to plead guilty to such an offence and following mitigation he was sentenced to a suspended sentence of imprisonment.

Sexual Offences

R v R [2020]

An allegation of sexual touching of a child under 13, the Defendant was said to have entered the bedroom of his partner's daughter and touched her inappropriately. The Defendant was unanimously acquitted after trial.

R v R [2019/20] (defending)

A historical allegation of sexual touching of the Defendant's step-granddaughter. Following a contested trial, the jury were unable to return verdicts. At the Complainant's request the Crown did not pursue a retrial and no evidence was offered against Tom's client.

R v B: Buggery [2018] (defending)

A historical allegation of anal rape on two separate occasions made against the Defendant by his step-brother. Following the Defendant's conviction, the Judge found that in the 'exceptional circumstances' of the case the Defendant should receive a suspended sentence of imprisonment.

R v C: Sexual activity with a child [2016] (defending)

The Defendant was alleged to have touched his step-sister indecently on a number of separate occasions. Following a 7-day trial the Defendant was unanimously acquitted.

Sexual offences

A Crown Court advocate, Tom represents Defendants in cases of serious sexual offences. He will appear in the Magistrates' Court on a direct access or private basis. Acting alone he has conducted cases of sexual assault (including historical

accusations).

Tom is ranked as a leading individual in the Legal 500: described as "calm, measured and conspicuously good for his year of call." He is recognised as a skilled advocate and talented tactician representing clients charged with offences of the upmost seriousness and complexity. His practice encompasses the fields of general and regulatory crime. He also prosecutes for the Crown Prosecution Service and other agencies.

Cases of note are:-

R v R [2020]

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R v C: Sexual activity with a child [2016]

The Defendant was alleged to have touched his step-sister indecently on a number of separate occasions. Following a 7-day trial the Defendant was unanimously acquitted.

R v L [2014]

Indecent Assault: Client acquitted unanimously of historical allegation.

R v T [2014]

Sexual Assault: charges dropped by the prosecution following a review of the evidence on the morning of trial.

R v J [2014]

Sexual activity with a child: Client faced accusations in relation to two separate girls. He entered guilty pleas on a basis to five out of six counts and was dealt with as a dangerous offender owing to his previous conviction for the same offence.

Motoring offences

Tom has significant experience of cases concerning the following driving offences:

- Causing serious injury by dangerous driving
- Dangerous driving
- Careless driving
- Drink driving (including failing to provide a specimen)
- Speeding
- Driving without insurance
- Failing to stop (report an accident)
- Using a mobile phone whilst driving
- Failing to provide information

Many of Tom's clients have avoided disqualification as a result of him successfully arguing special reasons or exceptional hardship.

Recent cases

V -v- R [2020] - Tom successfully represented his client in her appeal against a 6-month disqualification from driving and a requirement that she complete a re-test before having her licence removed. She had entered a guilty plea to an offence of careless driving which had regrettably resulted in two pedestrians suffering serious personal injury. The Court allowed her appeal finding that an endorsement of her licence was the appropriate penalty in all the circumstances of the case.

R -v- K [2020] - Tom's client was charged with speeding and alternatively failing to provide information of a driver's identity. Following a contested trial the Court found that he had not been the driver and that due to the chaotic nature of his life at the relevant time he had provided the information as soon as reasonably practicable.

Re. Offences under the Vehicle Excise and Registration Act 1994 [2020] - Tom represented the leasing arm of a well-known vehicle manufacturer in respect of numerous offences of failing to tax and insure vehicles. Although each case amounted to a separate prosecution, the Court were persuaded to take into consideration the Totality Sentencing Guidelines when assessing the appropriate financial penalty.

Regulatory crime

Tom's familiarity with both civil and criminal jurisdictions makes him uniquely placed to traverse the rigours of Regulatory Law. He regularly accepts instructions across the spectrum of regulatory and quasi-criminal matters. His particular interests are in trading standards, fire regulation, environmental law, Health & Safety, planning enforcement and maritime.

Tom was a member of TSOL's 'Junior Junior' and has extensive experience of the judicial review process.

Recent cases

Poole Borough Council v Wilson

Breach of a tree preservation order. This case is believed to be the first contested confiscation hearing in England and Wales where the issue was the extent of the Defendant's 'benefit' resulting from the increase in light to his property occasioned by the Defendant's wilful damage of a tree. Tom acted for the prosecution. The Case received national media attention, including in The Telegraph and in The Times.

R v B

Trading Standards prosecution under the Consumer Protection from Unfair Trading Regulations 2008.

R v L

Prosecution for failing to comply with a restriction imposed by a Prohibition Notice under Article 31 of the Regulatory Reform (Fire Safety) Order 2005.

Personal Injury

During pupillage at 3PB, Tom received comprehensive training in clinical negligence and personal injury under the guidance of Hamish Dunlop.

He now enjoys an ever-growing practice in both PI and clinical negligence. Tom has a particular strength in advocacy and is instructed in a range of court hearings including county court trials, civil application hearings and case management. He acts for claimants and defendants across the spectrum of personal injury litigation.

Tom has a particular specialism in claims involving allegations of fraud. In the criminal jurisdiction he has had conduct of complex cases including the prosecution of a multi-handed allegation of cheating the public revenue where it was alleged the defendants had committed a £3.2 million fraud over 10 years. Tom is able to apply the rigorous scrutiny required in such cases to allegations of fraud within the civil jurisdiction.

Tom is regularly instructed to advise on liability and quantum and to settle pleadings where necessary. Where appropriate, he will accept instructions under a CFA agreement.

In addition to his own developing practice, Tom has worked closely with one of the largest ATE insurers in the UK, assessing the merits of a multitude of cases concerning areas such as clinical negligence, breach of confidence, asbestosis, occupiers' liability and accidents at work.

Recent cases:

RTA and Credit Hire

- M v S and Others: multi-party dispute consisting of substantial credit hire claim. Claim in excess of £25k.
- W v H: Claimant suffered a fractured right leg which on balance would lead to post-traumatic osteoarthritis. Claim in excess of £25k.
- H v R: Physical and psychological injuries prevented the Claimant from continuing a promising swimming career. Claim in excess of £15k.
- Z v P: Chronic pain associated with accident related Post-Traumatic Stress Disorder. Claim in excess of £50k.
- W v D: Claim involving allegation of LVI. Claimant found to have been dishonest but not fundamentally dishonest and therefore QOCS protection was retained.
- K v K & Another: Allegations of fraudulent inception of insurance policy. Case linked to multiple separate claims. Significant credit hire element.

Employer's Liability

- D v R A W Ltd: Claimant suffered significant injuries after falling through an obscured skylight.
- F v ACS: Claimant injured while installing solar panelling.
- B v A: Claimant sustained a compound fracture to his little finger when a 21kg pump fell onto his right hand.
- B v Capita PLC & Another: Claimant injured when slipping on black ice.

Occupier's Liability

- M v TPI: Claim against a public house which had left a trap door open resulting in a member of the public falling.
- F v TBC: Claimant suffered a fractured wrist after falling on an overly polished dance floor.

Package Holidays

- K v L: Claimant suffered a significant back injury after slipping in a pool of water positioned at the top of a set of stairs while on holiday in Morocco.

Animals Act

- E v K: Claimant injured after being kicked by the Defendant's horse.

Public and Regulatory

Tom's familiarity with both civil and criminal jurisdictions makes him uniquely placed to traverse the rigours of Regulatory Law. He regularly accepts instructions across the spectrum of regulatory and quasi-criminal matters. His particular interests are in trading standards, fire regulation, environmental law, Health & Safety, planning enforcement and maritime.

Tom was a member of TSOL's 'Junior Junior' and has extensive experience of the judicial review process.

Recent cases

Re. Section 53A Licensing Act 2003 application – Tom represented a licensed premises (which also benefitted from an SEVL) in an application under s.53A of the Licensing Act. The premises was said to be associated with serious criminal conduct

following allegations of false imprisonment, sexual assault, conspiracy to commit fraud and theft. The initial opinion of the Chief Officer of Police for Hampshire was that the licence should be suspended for a period of 3 months. Following a full hearing before the Sub-Licensing Committee, the premises was allowed to retain its licence subject to the addition of various conditions.

Re. Maritime prosecutions – Tom acted for a Harbour Authority in four separate private prosecutions alleging infringements of the Harbour's General Directions. Each case resulted in the imposition of financial penalties for the accused.

Poole Borough Council v Wilson – Breach of a tree preservation order. This case is believed to be the first contested confiscation hearing in England and Wales where the issue was the extent of the Defendant's 'benefit' resulting from the increase in light to his property occasioned by the Defendant's wilful damage of a tree. Tom acted for the prosecution. The Case received national media attention, including in [The Telegraph](#) and in [The Times](#).

R v B – Trading Standards prosecution under the Consumer Protection from Unfair Trading Regulations 2008.

R v L – Prosecution for failing to comply with a restriction imposed by a Prohibition Notice under Article 31 of the Regulatory Reform (Fire Safety) Order 2005.