

IN THE CROWN COURT AT SHEFFIELD

Case No: T20227292

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Before:

HIS HONOUR JUDGE D. DIXON

R E X

- v -

**ROBERT GEORGE EVANS & MARK
WAYNE EVANS**

MISS J.I. STEPHENSON appeared on behalf of the prosecution
MR. J.C. BARTON appeared on behalf of the defendant **R EVANS**
MR. D.C. HARRIS appeared on behalf of the defendant **M EVANS**

OBSERVATIONS UPON PASSING SENTENCE

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Friday 28th March, 2025

JUDGE DIXON: Mark Evans and Robert Evans, you fall to be sentenced for a string of offences committed some years ago.

Mark, you are now 37. Robert, 40, and when you were somewhat younger, in the Flanderwell area of Rotherham, you hung around the streets where a number of young girls, more accurately young women, would also be going around entertaining themselves after school and like by hanging around the streets talking, as one described during the trial, “playing kerby,” and you set about befriending them. Both of you, it seemed on the evidence I heard at trial, had a reputation: Mark, yours was far worse than yours, Robert, but you both had a reputation for being violent towards others, principally other males in the area, and at trial the suggestion was raised by at least one of you that in effect that was engineered and the violence and fights that followed were to deal with that false impression. Whatever the situation, the complainants here all were aware of your reputation for being aggressive and violent.

Despite that, Robert, you were regularly described during the course of the trial as “the nicer of the two.” You were both described as being nice to start with, that you would engage in just everyday conversation, that you may be in the front garden of your home when the girls would walk past and you would say hello and those sorts of basic pleasantries. But things became more for all of the complainants. Whilst it is difficult to say that there was a grooming process ongoing, there was certainly a false friendship being built you were, after all, much older than the girls, albeit I note what is said about you, Mark, and your psychological makeup and in terms of how old psychologically you may well be.

The girls talk of hanging around the area and you being with them all the time. You, Mark, being there, even though you had a more age-appropriate girlfriend. Despite that, still started a relationship with [Person A]. [Person A] certainly believed that she was in a normal boyfriend/girlfriend relationship with you. Hence the reason for at least her count: the allegation of assault by penetration rather than rape.

Well, dealing with the allegations as they are on the indictment, [Person B] was 13 and she was simply one of the girls that hung around with the other girls that she knew from school or knew from the area. She did not regard things as being particularly out of the ordinary, but her, as with the other girls, were provided with drink, and more, by both of you. The evidence at trial was that you would go to supermarkets or off-licences, shoplift alcohol and provide it to the girls. As Mr. Barton has just said during the course of mitigation, as far as [Person B] was concerned, she did not describe herself as being a particularly big drinker and on the night in question, as he rightly says, does not say that she had a lot to drink. It is difficult

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to say on that particular occasion that falls within Count 1 on the indictment that the offence that followed

was linked to alcohol to any real extent.

As well as talking to the girls in and around the estate, they talked of being taken to places, and as far as [Person B] is concerned on Count 1, one of the places that the girls would go to was a disused barn. The evidence from both of you, from the complainants, and indeed one or two of the parents that went to try to find their daughters on occasions, describe, in effect, a disused barn where inside the doors were missing, there were hay bales inside, there was space for little fires, and there were bottles of alcohol and cans and the like scattered around. It was a two-storey building, and as far as this particular occasion was concerned, you, Mark, took [Person B] and another girl upstairs.

Having taken them upstairs, where it was quite dark, and the talk of either using torches or the like occurred during the course of the trial, you took [Person B] off to one side. At the time, there was an element of fear. That fear came about because it was thought that there were others downstairs that would be interested in what was going on, and that led to a degree of concern as far as [Person B] was concerned, magnified when you put her in one side of the room and her friend in the other. Her friend could not really see what was going on because of how dark it was. But there, you removed her trousers, pulled them down and then insisted she took one leg out of her leggings because it was not possible for you to gain access. You then raped her. She describes being scared. She describes being in pain. She described how it did not last for long, and whilst it was going on, her friend at the other side of the barn was saying, "What's going on? What's going on? What's happening?" And that, it seems, led to you desisting. You desisted by swearing and indicating you were not happy with what was going on, and that, in effect, you had been put off. But she had been raped for a little while, she was bleeding as a result. She got herself dressed, told her friend what had happened, to a degree, and went home and had a bath to try and get herself clean. The fear that somebody downstairs would get involved overbore her. That, alongside your general reputation and the way the offence was carried out, she was only 13.

Count 4 on the indictment concerned [Person C]. She was only 14 at the time, and it is right to say you were only 18, but, in effect, she was on her way home and you came across her and you took her down an alleyway and there removed her trousers and raped her. I do not want to minimise it, in any way, shape or form, but there is little more that can be said about it save, of course, that it hurt, it was the last thing she wanted, and again she was left in a degree of discomfort and pain.

Count 5 concerns [Person A](?). She was 14. You were 18. She believed that you were in love with her. She believed that there was a relationship, and during the course of the trial talked of her jealousy when you were involved with other girls when the suggestion was that you were seeing this person or that person or things had happened. But she was a virgin when you met, and she describes how you were asking if sex could happen, and on one particular occasion you were inside her home. You were kissing and more. At that stage, others came into the house and you were forced to leave. You went down an alleyway. [Person A](?) was concerned that people would see, so you moved again somewhere else, and then there was what [Person A](?) describes as consensual sexual activity involving penetration. It hurt. On another occasion, [Person A](?) talks about how you were all hanging around on the streets and on a particular street in question outside some of the houses there were a bank of steps and, in the way that young people do, you were sat around on the steps and everyone was chatting and engaging in the usual sort of activity that happens, but such was your level of bravado, such was your lack of concern, such was your desire to have sexual contact with [Person A](?), in front of others in the middle of the street, you put your arms around her, you then put your hands inside her waistband and indeed inside her trousers and penetrated her. All the time she was trying to get you to stop. Not necessarily because it was not what she wanted to happen in the sense of it was things that she did not want to do with her believed boyfriend, but because quite simply it was embarrassing to do it in the street in front of everybody, but that sort of indication of just how lacking in concern you were then is telling. You fall to be sentenced for all of those offences.

As far as you are concerned, Mark, I have a psychological report indicating that you have real intellectual difficulties. Even at the age of 35, your mental age was said to be that of an older child heading towards teenage years. That, of course, will have to be born in mind in terms of culpability in one way or another. As far as you are concerned, Robert Evans, you face a charge of rape against [Person B]. Both brothers raping the same girl. When she was 13, you suggested that she should come to a particular house. She went there, believing there would be others present. There, it turned out she was the only one there. You gave her alcohol, you took some yourself. You started to talk consistently about whether or not she was a virgin. Your fascination with that at that particular time was notable. You removed your clothing leaving just your underwear on, where it was clear, as far as [Person B] could see, that you were aroused by what was going on. You then, on the settee in that property, forcibly and viciously raped her. As a result of that rape, again she bled. The fact that she was bleeding, the fact that she was in discomfort you found funny and you were laughing about it. The further dismay that would cause anybody, let alone somebody only 13, is difficult to comprehend.

Having raped [Person B], you went on to rape [Person C] as well. Again, she was asked to attend a flat and she did. At that flat, she went to the toilet and when she came out you were waiting. You forced her back inside the toilet, forced her against the wall, removed her clothing and raped her.

I have put things in fairly simple terms in terms of what happened, but in terms of the effect on people, that sort of activity can never be underestimated. The psychological impact of being forced to engage in any activity, let alone intensely personal activity like this, is one that, I am afraid, the courts are seeing too much of.

There are victim personal statements from all of the ladies concerned in this case. They are difficult to read. They talk of the long-term psychological impact that this offending has had upon them, and it ranges from self-harm, through daily panic attacks, through trips to A & E and more that continue. Your three, four, five minutes, if that, of sexual activity for your own selfish purposes have had lifelong effects. There are, of course, sentencing guidelines for these offences, and as far as Count 1 is concerned for [Person B], the Crown have submitted it is a 2A offence because of the use of alcohol. Mr. Barton suggests it is a 2B offence because the alcohol is not really an issue and I agree with him. As a result of that, the starting point for that offence is eight years with a range of seven to nine. It seems to me, for that particular offence on its own, bearing in mind there is somebody across the other side of the barn, there are others downstairs, that it is set against the background of all that I have gone through already, that for an adult the appropriate starting point for that offence would have been something like nine years.

For the offence on [Person C], taking her down an alleyway, again a 2B offence, no-one takes any issue with that particular categorisation, the starting point would be eight years. In the circumstances of that particular case, eight years again for an adult would be appropriate.

For the penile penetration of [Person A](?)'s vagina, bearing in mind it would be a 1A offence, it would seem to me the appropriate starting point for that as an adult would have been five years and for the Count 6 offence of assault by penetration: putting your fingers inside her in the middle of the street, a sentence of five years would have been appropriate. But in your case, Mark, there are complications and the complications relate to your mental wellbeing and your psychological makeup. For all of those reasons, I will have to adjust all of those figures to reflect the fact that your culpability is perhaps much lower than that would be for an adult, but also to reflect totality generally. As a result of that, and bearing in mind what I have read within the psychological report and the pre-sentence report, and reflecting all that I see in the various references provided that talk about you in a very different light, the appropriate sentence as far as

you are concerned, Mark Evans, will be as follows, or would have been as follows, I should say. On Count 1, seven years. On Count 2, five years. On Count 5, four years, and on Count 6, three years. However, to reflect the overall totality what I am going to do is roll all of the offending up into Count 1. The effect of that will be that the sentence as far as you are concerned will be one of 14 years. 14 years on Count 1, the other sentences that I indicated to run concurrent to that term, bearing in mind the way that I have rolled the sentence together.

Robert Evans, again in your case there are mental health issues that are raised. Within all of the reports that I have seen that detail your probation involvement for many years, there is talk of a horrible start in life, of a vicious father that inflicted violence and more on you, of you missing schooling and the like as a result of the injuries you sustained. That sort of start in life is bound to have an effect on you in the same way that your offending on the women will have an effect on them.

However, at 22, when these offences were being carried out, you were working, you were leading a normal-ish life, and there is no reason really, as far as I can see, to reduce the sentences for mental health reasons in terms of what I can see, what I saw during the trial and the information that I have. Therefore, looking at the offences as far as they are, the rape on [Person B] was a particularly horrible offence for a 13-year-old girl to be put through what she was. It seems to me, that it would be a 2A offence because: there was the use of alcohol to facilitate the offence, she had been taken somewhere discreetly on her own, you had manipulated a situation, there was a degree of planning, and more. It was clearly a 2A offence, where a starting point of 11 is appropriate. Sorry, a starting point of ten is that given in the guideline. But reflecting the fact that you had taken her to that place, the engineering involved, the planning involved, the fact that she was only 13 and particularly vulnerable as a result, it seems to me the appropriate sentence on that offence would be one of 12 years.

As far as the offence on [Person C] is concerned, without seeking to minimise it, in any way, shape or form, it was not as vicious as that towards [Person B] and as a result of the same, a lower starting point is appropriate. It will be a 2B offence, the starting point would be eight years. On its own, bearing in mind that you ejaculated inside her, you had taken her somewhere where she was discreetly on her own and she could not really get any help and assistance and was vulnerable as a result, I would normally have gone up to nine years, but there has to be reflection for totality as far as these cases are concerned. As a result of that, what I am going to do again is roll the criminality within Count 7, and as far as Count 7 is concerned in your case, there will be a total sentence of 17 years. 17 years on Count 7, a concurrent term of nine on Count 8.

As far as you are both concerned, those are long sentences for which you will serve the appropriate period in custody before you are eligible for release, it will be some time before you are. As a result, and bearing in mind there has been some time since these offences were carried out, there has been no similar violent or sexual offences of note in the meantime, I do not take the view that you are dangerous, such that an extended sentence is appropriate. I also do not take the view that a sexual harm prevention order can be justified in the circumstances.

However, there will be restraining orders. You will both be prohibited from having any contact at all with the three ladies in this case forever. That contact means: no direct or indirect contact; you will not speak to them; you will not telephone them; there will be no email, no messaging, no social media or any contact whatsoever either by yourself or by getting a third party to talk to them on your behalf. The victim surcharge does not apply in this case, bearing in mind the age of these particular offences. But these are long sentences and as a result of the same, you need to take appropriate regard of the same when you are in custody, your sentence planning needs to have some regard to what you are going to do upon release, which is going to be some time away, but the sentence of the Court is as announced. On that basis, you can go to the door.

MR. BARTON: Thank you. Your Honour, can I just clarify one matter?

JUDGE DIXON: Of course.

MR. BARTON: At an earlier stage and before the trial, the prosecution indicated that in relation to another complainant they were offering no evidence and I cannot remember whether that was done before the trial, and I am just checking whether a not guilty verdict was entered or whether there is still an outstanding case;

your Honour may remember uploaded to the DCS there was a written indication from the Crown of those difficulties, and I don't know if my learned friend for the Crown can confirm the position. I just want to make sure everything is resolved today if possible.

MISS STEPHENSON: Your Honour, I understand it was ordered to lie on the file. Mr. Poval indicates we should offer no evidence on that count.

JUDGE DIXON: In that case, as far as the remaining count is concerned, the Crown offering no evidence, a formal not guilty verdict follows. Anything else?

MR. BARTON: No thank you. Thank you very much.

MR. HARRIS: Can I just clarify the concurrent sentence in respect of Robert? Was it nine or eight?

JUDGE DIXON: Nine.

MR. HARRIS: Nine, thank you.

JUDGE DIXON: Thank you, gentlemen, you can go to the door. Thank you. You can go to the door! Thank

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you.

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