



JUDICIARY OF  
ENGLAND AND WALES

R

-v-

**Daniel Evans**

**Sentencing Remarks of Mr Justice Saunders**

**Central Criminal Court**

**24 July 2014**

1. Daniel Evans is to be sentenced on 4 counts. He worked as a reporter at the Sunday Mirror from 2003 to 2005 and then at the News of the World from 2005 until 2011 when the paper closed. He has admitted phone hacking to get stories at both newspapers. His phone hacking activities at the News of the World stopped almost entirely in August 2006 when Clive Goodman was arrested. In 2009 he did hack the phone of Kelly Hoppen which led to her taking out a civil action. In those proceedings he made a statement denying hacking Kelly Hoppen's phone. That was a lie as he has admitted. That is count 4 on the indictment. He has also pleaded guilty to conspiracy to commit misconduct in a public office (count 3) by paying a prison officer to provide information about Ian Huntley and paying a police officer for information about a celebrity. In September 2010 the New York Times revealed his phone hacking activities and he was suspended by the News of the World and remained suspended until the paper closed.
2. These are serious offences which merit cumulatively a significant sentence of imprisonment. The mitigation in this case is that Mr. Evans not only pleaded guilty to these offences at the first opportunity but has assisted the prosecution by making statements and agreeing to give evidence for the prosecution. He has already given evidence in the trial that has just finished and may be required to give evidence in future trials.
3. There are two consequences of the fact that he is a prosecution witness. Firstly he has been put forward as a witness of truth by the prosecution. That does not mean that they accept that every word that he said in the witness box was accurate. It was demonstrated in the trial not to be, but it does mean that the Prosecution accept the general thrust of his account. That being the view of the prosecution, I will accept it as the factual basis on which I sentence. I would need to be sure that the prosecution were wrong to put him forward as a witness of truth before I sentenced on any other basis. I have not formed that view.
4. Daniel Evans' evidence was that he was taught how to phone hack when working for the Sunday Mirror and was encouraged to use those skills to find stories by people who were senior to him at the Sunday Mirror and later at the News of the

World. He also said that he was put under considerable pressure to come up with stories. I sentence him on that basis.

5. The second consequence is that, having entered into a s. 73 agreement with the prosecution, he is entitled to a substantial reduction in his sentence. The amount of that reduction depends on a number of factors including the difficulty the prosecution have had in obtaining other evidence from independent witnesses. It became clear in the trial that I have just completed, that getting people who work in newspapers to give evidence of phone hacking is extremely difficult, if not impossible. The undisputed evidence in the trial was that between 2004 and 2006, there was a great deal of phone hacking at the News of the World. While I have no doubt it wasn't done openly, it must have been known about by more people than have been prepared to give evidence about it in court. Mr. Evans and Mr. Goodman are the only people who have been prepared to give evidence of their knowledge and involvement in phone hacking at the News of the World. Mr. Goodman made it clear in his evidence that he would not have given evidence about it but for his position as a Defendant in the trial.
6. Why so few people have been prepared to give evidence in court about what went on is not for me to say, but it makes Mr. Evans' position unique.
7. Having heard his evidence I am quite satisfied that the only reason Mr. Evans entered into a s. 73 agreement was to eliminate or reduce any penalty imposed on him. He originally wanted a complete immunity before agreeing to give evidence and only entered into a s. 73 agreement when it was obvious to him that he would be prosecuted and convicted. But that is why most people enter into such agreements. He is entitled to ask for a substantial reduction in sentence having complied with the conditions of the agreement. While it is normally desirable that criminals receive the appropriate penalty for their crimes, that has to be balanced against the cost and difficulty of proving these offences.
8. The appropriate sentences for the offences of phone hacking, counts 1 and 2 after a trial would have been 9 months imprisonment concurrent with each other. To reflect the plea and the s. 73 agreement I reduce those sentences to 4 months. The appropriate sentence after a trial for the offence of perverting the course of justice would be 9 months imprisonment which I again reduce to 4 months to reflect the plea and the s. 73 agreement. That will be consecutive to the sentences on count 1 and 2. Finally for the offence of misconduct in a public office the sentence after a trial would have been 6 months imprisonment which I reduce to 2 months imprisonment again consecutive to reflect the plea and the s. 73 agreement.
9. That is a total of 10 months imprisonment. The issue then arises as to whether I should suspend that sentence. I have considered the case of Dougall and the case of Ford. In the case of Dougall the Court of Appeal agreed that a sentence of 12 months should be suspended as otherwise the benefit from the s. 73 agreement would be limited. In the case of Ford the Court of Appeal made it clear that the case of Dougall was not setting out an absolute rule but was fact dependent.
10. In the circumstances of this case and in particular the co-operation that Mr. Evans has given and has agreed to give the police and the prosecution in the future, as compared with the lack of co-operation from others, I do feel able to suspend the sentence for a period of 12 months. I would not have done that had Mr. Evans not made a clean breast of his involvement in these offences. There should be some element of immediate punishment and in addition I order the Defendant to do 200 hours unpaid work in the community.