

R v John Harvey sentencing remarks

His Honour Judge McConaghy

Stoke-on-Trent Crown Court

5 June 2025

1. This case is subject to automatic reporting restrictions prohibiting the publication of any information that may lead to the identification of the complainant. For that reason, the complainant will be referred to in this document as Ms X.
2. On 6th July last year you John Harvey were in the centre of Shrewsbury between 3 and 4am. You were drunk. You had clearly been looking for sex but had settled yourself down in a doorway, it seems to spend the night as you had missed the last train. Ms X was also in Shrewsbury. She was visiting the area and was walking, alone, trying to find her hotel. When you first saw her she was walking with a crutch and she was following her mobile phone navigation through a dark cobbled alleyway. She did not need the crutch, she had in fact picked it up somewhere enroute and had been playing around with it. Nonetheless, it is clear from the CCTV that when you first saw her she would have appeared even more vulnerable than she already was because of the crutch.
3. You approached her and within seconds you were touching her breast and trying to kiss her. You led her back into the doorway you had been sitting in. You then took her off and around the corner to a second doorway. When you were there you pushed yourself on her. The two of you walked away and into a third doorway. In that doorway you anally raped her. You removed your penis and then put it back in a second time. You also penetrated her vagina with your finger.

4. She was not interested in you but you did not care. When you had had your way with her you headed off up the road and she turned the other way to walk away where she rang 999. The audio of that call and the state she was in is harrowing to listen to. You returned to where she was and came very close to her again but were clearly put off by the fact she was on the phone.
5. You remained in Shrewsbury for the remainder of the night and you were finally tracked down at the train station where you had clearly gone to get the first train home. You cooperated on arrest and made full admissions to having raped her.
6. The best mitigation you could have had would have been a full expression of remorse by the entering of guilty pleas, following those full admissions. You, however, chose to throw that mitigation away by contesting the trial in the face of very strong evidence and making her give evidence about what you had done to her, despite your own confession to what it was you had done.
7. I have heard and now, so have you, a full victim personal statement from Ms X. The effect that you had on her was significant. The psychological impact of a stranger rape in the street late at night, in the way that you behaved, can be profound and it clearly was in this case.
8. In consideration of your case I have read a pre-sentence report dated 27th March 2025. I note that this is the first time that you have been convicted of any offence.
9. I consider the sentencing guidelines in your case. The assessment of harm and culpability is the same for each count. Harm is category 2 as the following factors apply: severe psychological harm and it was a sustained incident. I make it clear that whilst I find that the penetration all took place in the third doorway over the course of a few minutes, the incident as a whole began when you approached her and touched her breast and it is that that makes this a sustained incident. Culpability is category B as no category A factors apply.

10. For the counts of rape, there is, therefore, a starting point of 8 years with a range of 7-9 years. For the count of assault by penetration there is a starting point of 6 years in a range of 4-9 years.
11. There are further aggravating features. The fact that she was a lone woman at night walking down an alleyway mean that both the location and timing of the offence are relevant as aggravating features. There are three offences here, involving two different forms of penetration, although they were all part of the same incident. I also make it clear that, in my view, the two rapes could properly have been indicted as a single offence. You were under the influence of alcohol at the time.
12. In terms of mitigation, there is your lack of previous convictions. I understand that you are making good use of your time in custody. You are an educated man with a degree and you were working in a respectable career. You are clearly somebody who has had the capacity to make something of your life. I do not accept that remorse is significant here. Had you entered your guilty plea, following your admissions to the Police then there would have been. You did not. You instead took the case to trial, suggesting that she was a willing participant in what you did to her. She was not.
13. In addition to the offence specific sentencing guidelines in your case I have had regard to the guideline on totality. Given that the offences arise out of the same incident and the same facts, it is an appropriate case for concurrent sentences. The fact that there were two different types of penetration result in an uplift to the sentence.
14. In the circumstances, I take the starting point of 8 years for the rape and, balancing the aggravating and mitigating factors, I move up from that to the top of the range of 9 years for each offence of rape. For the offence of assault by penetration I also move up in the range from the starting point of 6 years to a

sentence of 7 years. As I have already indicated, those sentences will be concurrent with each other.

15. I have considered whether you pose a significant risk to members of the public of serious harm occasioned by you committing further specified offences. The evidence that you gave at trial was that, in the run up to this offence you had been drinking excessive amounts of alcohol on a daily basis. You had then drunk to gross excess that evening. You told the probation officer who prepared your pre-sentence report that you could not control yourself when you were drunk. Given the behaviour that you engaged in that night, that at least is an entirely accurate assessment. It is that lack of control that leads me to the conclusion that you do pose a significant risk to members of the public of serious harm occasioned by the commission of further specified offences. In those circumstances, there will be an extended sentence in your case.

16. The extended sentence will be for a period of 3 years and will attach to each of the counts of rape.

17. Your overall sentence is therefore one of 9 years with a 3 year extended licence in addition. You will serve two thirds of the custodial portion of the sentence before becoming eligible for parole. If released on parole you will then be on licence until the end of the custodial term. At that point in time your extended licence will then commence for a further 3 years. That licence is likely to be subject to conditions. If you fail to comply with those conditions or commit a further offence then you may be returned to custody to serve the remainder of your sentence.

18. Any days that you have spent on remand in custody to date will automatically count towards your sentence.

19. I certify that you have been convicted of a sexual offence so that you must, for the rest of your life, keep the police informed at all times of your personal particulars, the address at which you are living and any alteration in the name

you are using. You will be given full details of these requirements on a form at the end of this hearing.

20. A restraining order is necessary in this case and will contain a single prohibition that you must not contact Ms X directly or indirectly. That will last until further order. Breach of a restraining order is an offence that is punishable with up to 5 years imprisonment.

21. The statutory surcharge applies.

HHJ McConaghy

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