



## NEWS RELEASE

**The Scottish Criminal Cases Review Commission ('the Commission') has referred the case of Martin Kinnell to the High Court of Justiciary.**

In accordance with the Commission's statutory obligations, a statement of reasons for its decision has been sent to the High Court, James Irvine Solicitors and Crown Office. The Commission has no power under its founding statute to make copies of its statements of reasons available to the public.

On 20 August 2012, at Kilmarnock Sheriff Court, Mr Kinnell pleaded guilty to a contravention of s.3ZB of the Road Traffic Act 1988 on indictment. On 18 September 2012 he was admonished and disqualified from holding a driving licence for a period of one year.

The Commission has decided to refer the case to the High Court because it believes a miscarriage of justice may have occurred in respect of his conviction of the aforementioned offence on the basis that his guilty plea was tendered under substantial error for which he was not responsible in light of the judgment of the High Court of Justiciary in *Stewart v HMA* on the correct interpretation of the statutory provision in question.

This release is for information purposes only and the content of this news release should not be treated as forming part of the Commission's statement of reasons.

### Notes for Editors

The Scottish Criminal Cases Review Commission was established as an independent body on 1 April 1999 to review alleged miscarriages of justice in Scottish convictions and/or sentences. Under section 194 A to L of the Criminal Procedure (Scotland) Act 1995 (as inserted by section 25 of the Crime and Punishment (Scotland) Act 1997) the Commission can refer a case to the High Court if it believes that a miscarriage of justice may have occurred and that it is in the interests of justice that a reference should be made. Once a case is referred to the High Court by the Commission, it will proceed as a normal appeal.

The Commission operates with a Board of 8 Members, one of whom is the Chairperson, a Chief Executive, a Director of Corporate Services, 2 Senior Legal Officers, 6 Legal Officers and administrative support staff.

In terms of its disclosure policy, the Commission will disclose the fact that a case has been referred. However, as it operated under strict statutory non-disclosure provisions, the Commission will not disclose any further information about such cases.

For any further general information about the Commission please contact Mr Chris Reddick, Director of Corporate Services, SCCRC, 5<sup>th</sup> Floor, Portland House, 17 Renfield Street, Glasgow, Tel: 0141 270 7030, e-mail: [creddick@sccrc.org.uk](mailto:creddick@sccrc.org.uk) or visit the Commission's website at [www.sccrc.org.uk](http://www.sccrc.org.uk)