



## **NEWS RELEASE**

### **The Scottish Criminal Cases Review Commission ('the Commission') has referred the case of AS 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, Mr S 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 21 January 2016, at Kilmarnock Sheriff Court, Mr S pled guilty to a charge framed under s127(1)(a) of the Communications Act 2003. The sheriff subsequently imposed a community pay back order and certified the offence as having a significant sexual aspect.

The Commission has decided to refer the applicant's sentence to the High Court of Justiciary on the matter of sentence. The applicant applied to the Commission seeking a review of sentence, arguing that the sheriff ought not to have certified the offence as having a significant sexual aspect. The Commission concluded that a miscarriage of justice may have occurred in this regard.

### **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, a Head of Casework, 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)