



NEWS RELEASE

The Scottish Criminal Cases Review Commission ('the Commission') has referred the case of John Doherty 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, the Lord Advocate and Crown Office. The Commission has no power under its founding statute to make copies of its statements of reasons available to the public.

Mr Doherty pled guilty on 11 January 2017 at Glasgow Sheriff Court to a charge of contravening s52A of the Civic Government (S) Act 1982 (possession of indecent images of children) and a charge of contravening 52(1)(b) of the 1982 Act (distributing indecent images). He was sentenced to 12 months' imprisonment in respect of the possession charge and a 37 months' extended sentence, with a 22 month custodial element, in respect of the distribution charge. Both charges were to run concurrently.

Mr Doherty sought a review of sentence in respect of the extended sentence imposed in respect of the distribution charge, citing the case of *Wood, Tennant & McLean v HMA* 2017 SCCR 100 as support for his position that an extended sentence should not have been imposed upon him in connection with his conviction for distributing indecent images.

The Commission has decided to refer Mr Doherty's sentence to the High Court of Justiciary as it considers that, in terms of the decision in the case *Wood, Tennant & McLean*, an extended sentence should not have been imposed upon him in respect of the charge of contravening 52(1)(b) of the Civic Government (S) Act 1982 (distributing indecent images).

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, 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, 5th Floor, Portland House, 17 Renfield Street, Glasgow, Tel: 0141 270 7030, e-mail: creddick@sccrc.org.uk or visit the Commission's website at www.sccrc.org.uk