



NEWS RELEASE

The Scottish Criminal Cases Review Commission ('the Commission') has referred the case of Alan Baker 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.

On 21 August 2017 after a trial at Dumbarton Sheriff Court Alan Baker (the applicant) was convicted on indictment of a single charge of assault and attempted robbery. On 7 September 2017 the sheriff sentenced him to a period of imprisonment of three years and six months and also imposed a 12 month supervised release order (SRO). At the hearing on 7 September the same sheriff also sentenced the applicant to a six month period of imprisonment for a summary contravention of section 38 of the Criminal Justice and Licensing (Scotland) Act 2010. This was to be served consecutively to the three years six months.

The Commission has decided to refer the applicant's sentence, in so far as it relates to the making of a supervised release order, to the High Court of Justiciary. The Commission considers that the effect of imposing a six month consecutive prison sentence in the summary case meant the applicant was serving a total prison sentence of four years and due to the provisions contained within section 209 of the Criminal Procedure (Scotland) Act 1995 the making of a supervised release order was not competent.

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 7 Members, one of whom is the Chairperson, a Chief Executive, a Director of Corporate Services, Head of Casework, 2 Senior Legal Officers, 4 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