

NEWS RELEASE

The Scottish Criminal Cases Review Commission (“the Commission”) has today referred the case of Christopher Kelly 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 Kelly’s solicitors and Crown Office. The Commission has no power under its founding statute to make copies of its statement of reasons available to the public. Brief summaries of the background of the case and the Commission’s reason for referral are given below.

These summaries are 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.

1.0 Background

1.1 Mr Kelly appeared at Edinburgh High Court on 7 May 2004 on an indictment under section 76 of the Criminal Procedure (Scotland) Act 1995. He pleaded guilty to a charge of assault to severe injury and danger of life.

1.2 Mr Kelly had previously been sentenced to a sentence of 6 years imprisonment at Glasgow High Court on 26 January 2000, having pled guilty to charges of assault, assault to severe injury and assault to severe injury and permanent disfigurement. That sentence was not due to expire until 20 September 2005 but he had been released on licence from it on 19 September 2003. He committed the offence which was the subject matter of review (the “new offence”) on 28 February 2004.

1.3 In respect of the offence for which he had been released on licence, the Court ordered that he be returned to prison and imprisoned for a period of one year from 7 May 2004 and ordered that said period be served before the commencement of the sentence imposed in respect of the new offence to which he had pled guilty.

1.4 Thereafter, the Court sentenced Mr Kelly to eight years imprisonment in respect of the new offence, such sentence to commence on the expiry of the foregoing order to return him to prison for one year.

2.0 Reason for Referral

2.1 Having reviewed the relevant legislation and case law, the Commission is satisfied that Mr Kelly, having pleaded guilty to the new offence at the earliest possible opportunity, did not receive sufficient discount in his sentence for having done so and, accordingly, may have suffered a miscarriage of justice in his sentence.

3.0 Notes for Editors

3.1 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 194A–L of the Criminal Procedure (Scotland) Act 1995, as inserted by section 25 of the Crime and Punishment (Scotland) Act 1997, the Commission may 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 the Commission refers a case to the High Court, the case will proceed as a normal appeal.

3.2 The Commission operates with a Board of nine Members (one of whom is the Chairperson), a Chief Executive, a Director of Corporate Services, two Senior Legal Officers, five Legal Officers and administrative support staff.

3.3 The Commission has reviewed its policy on disclosure and, from 1 April 2008, it has or will disclose the fact that a case has been referred to the High Court, and has or will provide a short summary of the reasons for this. However, as the Commission operates under statutory non-disclosure provisions, it is not considered appropriate for the Commission to disclose any additional information about such cases. The Commission will not release any information about cases in which no referral has been made or in respect of cases under review.

3.4 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; telephone: 0141 270 7030; e-mail: creddick@sccrc.org.uk; or visit the Commission's website at www.sccrc.org.uk