



NEWS RELEASE

The Scottish Criminal Cases Review Commission ('the Commission') has today referred the case of John Millar 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. Millar's 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. Brief summaries of the background of the case, the evidence led at the trial, 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 On 20 February 2001, at Falkirk Sheriff Court, Mr Millar appeared on a summary complaint which narrated that on 17 June 2000 on the public footpath between Webster Avenue and Roughlands Crescent, Carronshore he used lewd, indecent and libidinous practices and behaviour towards a 12-year-old girl, contrary to the Criminal Law (Consolidation) (Scotland) Act 1995, section 6. Mr Millar was also charged with committing a breach of the peace.

1.2 The court found Mr Millar guilty of both charges under certain deletions and amendments. He was admonished on both charges and he was made subject to the notification requirements in respect of the first charge.

2.0 Evidence at the Trial

2.1 There were two key witnesses in relation to the first charge in the case against Mr. Millar, one of whom was the complainer.

3.0 Reason for Referral

3.1 A reasonable inference can be drawn that the Crown did not disclose to the defence relevant material, namely that prior to Mr Millar's trial the complainer in the first charge had made two previous false allegations of a sexual nature.

3.2 The Commission considers that the reasonably inferred failure by the Crown to provide the defence with this information infringed Mr Millar's rights to a fair trial under article 6 of the European Convention of Human Rights and may have led to a miscarriage of justice in respect of the first charge.

4.0 Notes for Editors

4.1 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.

4.2 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.

4.3 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.

4.4 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