



NEWS RELEASE

The Scottish Criminal Cases Review Commission ('the Commission') has referred the case of William Lewis Gage ('the applicant') to the High Court of Justiciary.

In accordance with the Commission's statutory obligations, a statement of the reasons for its decision has been sent to the High Court, the applicant, his representatives and Crown Office. The Commission has no power under statute to make copies of its statements of reasons available to the public. Brief summaries of the background to the case and the Commission's reasons 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** The applicant stood trial at Glasgow High Court between 22 January and 9 February 2004 on a charge of murder in respect of the shooting of Justin McAlroy outside his home in Cambuslang, Glasgow, on the night of 7 March 2002.
- 1.2** The applicant was found guilty of the murder by a majority verdict of the jury. A further charge against the applicant, which libelled an attempt to pervert the course of justice, was found not proven by the jury. The applicant was sentenced to life imprisonment with a punishment part of 20 years. The applicant's subsequent appeal against conviction was unsuccessful.

2.0 Summary of the Commission's decision

- 2.1** In the application to the Commission the applicant and his representatives raised a number of grounds in support of their argument that the applicant had suffered a miscarriage of justice. These grounds included, amongst others: that the verdict of the jury was one that no reasonable jury, properly directed, could have returned; that there was insufficient evidence in law to convict; that fresh evidence was available; and that the representation the applicant received at trial was in a number of respects defective. After review, the Commission was not persuaded that a miscarriage of justice may have occurred in relation to the matters raised under these grounds.
- 2.2** The grounds upon which the Commission decided to refer the case relate to the dock identification of the applicant's eyes as resembling those of a man seen running from the scene of the shooting, and the identification of crucial productions. In referring the case the Commission had particular regard to the principles in relation to dock identification set out by the Judicial

Committee of the Privy Council in the case of *Holland v HMA* 2005 SCCR 417. In the Commission's view, in the unusual circumstances of the applicant's case, the absence of specific directions to the jury regarding the dock identification amounts to a misdirection and may have given rise to a miscarriage of justice. The Commission also believes that the applicant's trial may have been unfair, and that a miscarriage of justice may have occurred, in respect of the manner in which the identifications of the applicant's eyes and of the crucial productions were obtained, and in light of the way in which that evidence was dealt with at the applicant's trial.

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. The Commission's remit extends to both solemn and summary cases.

Once a case is referred to the High Court by the Commission, it will proceed as a normal appeal. The appellant or his legal advisors may seek to expand the grounds of appeal from those which are the subject of the referral.

The Commission currently operates with a Board of 9 Members, one of whom is the Chairperson, a Chief Executive, a Director of Corporate Services, 2 Senior Legal Officers, 5 Legal Officers and administrative support staff.

When a case is referred, the Commission issues a press release to disclose the fact that the case has been referred, with general details relating to the case. However, as the Commission operates under strict statutory non-disclosure provisions, it is not possible for the Commission to disclose any further information about such cases. The Commission will not release any information regarding cases in which no referral has been made or in respect of cases under review.

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 7031, e-mail: creddick@sccrc.org.uk or visit the Commission's website at www.sccrc.org.uk.