



Application Form for Review of Conviction or Sentence or Both

The Scottish Criminal Cases Review Commission is responsible for investigating alleged miscarriages of justice in Scotland. We investigate convictions and sentences imposed by criminal courts in Scotland. We cannot deal with civil or military cases.

We have the power to refer a case to the High Court of Justiciary if we believe:

- there may have been a miscarriage of justice; and
- it is in the interests of justice to do so.

If we refer a case, the High Court decides whether to overturn the conviction or sentence.

! Please send your completed form and any supporting documents to:

Scottish Criminal Cases Review Commission
5th Floor
Portland House
17 Renfield Street
Glasgow G2 5AH

Tel: 0141 270 7030 Email: info@sccrc.org.uk
Fax: 0141 270 7040 Website: www.sccrc.org.uk

If you need any help to complete this form, please ask us.



CUSTOMER SERVICE EXCELLENCE



INVESTOR IN PEOPLE



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Guidance and information notes

Please complete as many parts of the form as you can. Please read and consider the following before completing the form:

- Do you believe you have suffered a miscarriage of justice? If so, does this relate to a criminal conviction in Scotland or a sentence imposed as a result of such a conviction?
- We will normally investigate your case only after you have appealed to the High Court. If you have not appealed against your conviction or sentence, we will need to know why. If you do not have a good reason for not having appealed, we will probably not accept your application for review.
- You may ask a solicitor (or another person) to help you complete the form, but you do not need to use a solicitor to apply to us.
- If you do use a solicitor, you may be entitled to free or low-cost legal advice under the Legal Advice and Assistance Scheme. Your solicitor should be able to help you set out your 'grounds of review' (the reasons you want a review).
- After we have received your form we will need to obtain and keep some personal information about you to enable us to review your case.

- We will disclose your personal information only in the following circumstances:
 - because we have a legal duty to do so; or
 - in the very limited circumstances set out in our disclosure policy.

Our disclosure policy is available at www.sccrc.org.uk or by writing to us at the above address.

- Where we decide to refer your case to the High Court, we will issue a news release providing a summary of:
 - the background to the case;
 - the evidence led at the trial;
 - the grounds of review, including any we reject; and
 - the reasons for the referral.
- However, we will remove your name in certain circumstances, as stated in our disclosure policy.
- You must tell us your up-to-date address. If you are released from prison when we are reviewing your case, you must tell us your new address.

There is more information about us and how we review cases in the information booklet we supply with this form. If you do not have a copy of this booklet, please let us know and we will send you one.

Part 1: Personal information

1 First names:

2 Surname:

! If you have been known by a different name or names, please answer questions 3 and 4.

3 By what first names were you known?

4 By what surnames were you known?

5 Date of birth: (dd/mm/yyyy)

6 Male

Female

(please tick)

7 If you are in prison, what is the name of the prison?

8 Prisoner number:

9 Earliest date of release: (dd/mm/yyyy)

10 Parole qualifying date: (dd/mm/yyyy)

11 Home address

12 Contact telephone number:

! It is important to let us know about any changes of address. If you are released from prison when we are reviewing your case, you must tell us your new address.

Part 2: Details of representatives

13 The name and address of your current solicitor (if any):

14 The name and address of your solicitor at the trial (if different):

15 The name and address of your solicitor at the appeal (if different):

16 The name and address of anyone else who is helping you with your application.

17 The name and address of the solicitor who has your defence papers:

18 If you want us to write to your solicitor or other representative directly, and not write to you, please tick this box.

19 How did you hear about the Commission?

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Part 3:

Conviction and sentence

Please list in the appropriate boxes below all the charges on the indictment or complaint against you, including any charges that did not result in a conviction.

Please include the details of the sentence imposed on you – for example, any prison sentence, community service order or probation order.

Please state whether you want us to review:

- your conviction only, or
- your sentence only, or
- your conviction and sentence.

20

	Type of charge (for example murder, robbery, misuse of drugs)	Tick this box if you pled guilty to this charge	Tick this box if you were convicted of this charge after trial	What was your sentence?	Tick this box if you would like your conviction reviewed	Tick this box if you would like your sentence reviewed
1						
2						
3						
4						

Please continue on a separate sheet of paper, if needed.

21 The court in which you were convicted:

High Court

Sheriff Court (with a jury)

Sheriff Court (without a jury)

District Court

22 The town or city in which you were convicted:

23 The date you were convicted: (dd/mm/yyyy)

24 The date you were sentenced: (dd/mm/yyyy)

25 The names of any co-accused at the trial:

Part 4: Appeal

26 Did you appeal against your conviction?

Yes

No

27 Did you appeal against your sentence?

Yes

No

28 Was your appeal rejected at the first or second 'sift'?

First

Second

29 Was there a full appeal hearing?

Yes

No

30 The date of your appeal: (dd/mm/yyyy)

31 The outcome of your appeal:

conviction (cont'd)

Sentence

35 Please explain why you believe you have suffered a miscarriage of justice in relation to your sentence (please continue on a separate sheet of paper, if needed).

A large rectangular area with a light blue border and horizontal dotted lines, intended for writing a response to question 35.

Part 6: Special circumstances

36 Please state any special circumstances that apply in your case – for example, your ill-health or the worsening health of a witness.

Part 7: Previous applications

37 Please tick this box if you have made a previous application to us.

38 The reference number of your previous application:

Part 8: Accompanying documents

39 Please list the documents you are sending to us with this form (please continue on a separate sheet of paper, if needed).

Part 9: Data protection

'I want the Scottish Criminal Cases Review Commission to review my case. I understand that to do so the Commission will need to obtain, to record and to hold information about my case. I also understand that the Commission will disclose information about my case only in accordance with its duties laid down by law, or only in the other very limited circumstances stated in its disclosure policy. I give the Scottish Criminal Cases Review Commission my consent to do so.'

Sign:

Date:

Part 10: Permission to your legal representatives

To investigate your case fully, we may need to obtain information about your case from:

- the solicitor(s) who represented you at the trial and the appeal;
- any advocate(s) who represented you at the trial and the appeal; and
- any other solicitor or advocate who represented you at any other stage in your case, including your current solicitor.

The information we need may include:

- information about how your case was prepared and presented at the trial and the appeal; and
- details of confidential discussions you had with your solicitor or advocate (or both) at the trial stage, the appeal stage or after the appeal.

! We may not be able to investigate your case fully unless we have this information.

If you wish to give permission for these representatives to give us this information, please sign below.

By signing below, you are giving permission to your previous and current legal representatives to disclose to us the information we ask for. You may want to get legal advice before you sign.

Sign:

Date:

Part 11: Equal opportunities monitoring form

The Scottish Criminal Cases Review Commission wishes to ensure equality in all its policies and procedures. We ask all applicants to complete the following part of the application form.

We will treat your answers in the strictest confidence and will use the information you give only to help us check whether our policies and procedures meet the needs of all our applicants and to help us improve our service.

Gender

Male

Female

Ethnic background

Please tick which of the following best describes your ethnic background:

White

British

English

Irish

Scottish

Welsh

Any other: (Please specify)

Black, black Scottish or black British

Caribbean

African

Any other: (Please specify)

Asian, Asian Scottish or Asian British

Indian

Pakistan

Bangladeshi

Chinese

Any other: (Please specify)

(continued over)

Mixed: (Please specify)

Other ethnic background: (Please specify)



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Is English your main language?

Yes

No

If not, what is?

If English is not your main language do you require any language assistance?

Yes

No

Disability

Do you consider you have a disability?

Yes

No

If yes, please provide details:



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