



## **NEWS RELEASE**

The Scottish Criminal Cases Review Commission has referred to the High Court the case of David Ballingham in respect of his conviction. Mr Ballingham was convicted at Falkirk Sheriff Court on the 19 May 2005 of two charges of assault and sentenced to 120 hours' community service. Leave to appeal against conviction was refused by the first and second sifts.

In his application to the Commission, Mr Ballingham raised a number of grounds which he considered justified his case being referred back to the High Court. These were:-

1. That the court's verdict was unreasonable due to the weakness of the identification evidence.
2. That there was a failure by the Crown to disclose material evidence.

Having investigated the various grounds of review, the Commission believes that there may have been a miscarriage of justice in respect of both of these grounds.

### **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 8 Members, one of whom is the Chairperson, a Chief Executive, a Director of Administration, 1 Senior Legal Officer, 8 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 Administration, SCCRC, 5<sup>th</sup> Floor Portland House, 17 Renfield Street, Glasgow, Tel: 0141 270 7031, e-mail: [creddick@sccrc.org.uk](mailto:creddick@sccrc.org.uk) or visit the Commission's website at [www.sccrc.org.uk](http://www.sccrc.org.uk)