

## **NEWS RELEASE**

**The Scottish Criminal Cases Review Commission (“the Commission”) has referred to the High Court the case of Robert Alexander Ingram (“the applicant”) in respect of sentence.**

In accordance with the Commission’s statutory obligations, a statement of reasons for its decision has been sent to the High Court, Mr. Ingram 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 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** On 5 July 2007, the applicant appeared on indictment and pled guilty at Glasgow High Court to a contravention of Section 27(7) of the Criminal Procedure (Scotland) Act 1995 and was sentenced to 12 months imprisonment.

**1.2** The sentencing judge ordered that the sentence should run consecutively to an unexpired portion of an earlier sentence on which the applicant had already been recalled to prison.

### **2.0 Reasons for Referral**

**2.1** The applicant applied to the Commission on the basis that the sentence imposed was an incompetent one in terms of the provisions of section 204A of the Criminal Procedure (Scotland) Act 1995. The applicant argued in his application that, in terms of that section, the sentence should have been imposed to run concurrently with the sentence he had already been recalled on.

**2.2** Section 204A of the Criminal Procedure (Scotland) Act 1995 states that,

*“A court sentencing a person to imprisonment or other detention shall not order or direct that the term of imprisonment or detention shall commence on the expiration of any other such sentence from which he has been released at any time under the existing or new provisions within the meaning of Schedule 6 to the Prisoners and Criminal Proceedings (Scotland) Act 1993.”*

**2.3** Section 204A was inserted by the Crime and Disorder Act 1998 (c.37) s.112 and this provision came into force by way of Statutory Instrument on September 30, 1998. This section stipulates that prisoners released on licence who are sentenced, in relation to other offences, to another term of imprisonment, should not receive a sentence running consecutive to the expiry of that imprisonment term. Only by imposing an immediate and concurrent sentence of further imprisonment (which may of course result in incarceration beyond the end of the earlier sentence) can the release provisions set down in the 1993 Act, as amended, function effectively.

**2.4** In the light of that statutory provision, the Commission considers that the sentence imposed was an incompetent one and, accordingly, that the applicant 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 seven Members (one of whom is the Chairperson), a Chief Executive, a Director of Corporate Services, two Senior Legal Officers, six 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, 5<sup>th</sup> Floor, Portland House, 17 Renfield Street, Glasgow; telephone: 0141 270 7030; 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)