

## **NEWS RELEASE**

**The Scottish Criminal Cases Review Commission ('the Commission') has today referred the case of James Casey 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. Casey, Mr. Casey'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, the grounds the Commission rejected 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 15 January 1991, at the High Court at Inverness, Mr Casey appeared for trial on an indictment which charged that on 16 or 17 September 1990 he and George Douglas Cameron McNairn robbed and murdered Ian David MacBeth, the manager of the Social and Recreational Club, Castle Road, Invergordon. Mr Casey and Mr McNairn were also charged with stealing a motor car. Mr McNairn was charged with driving the motor car without insurance.

**1.2** On 7 February 1991, the jury unanimously found Mr Casey guilty of both charges. Mr Casey's co-accused was convicted of robbery on the first charge and of the other two charges. Mr Casey was sentenced to life imprisonment with a minimum recommendation of 20 years which was reduced on appeal to life imprisonment with a punishment part of 11 years.

**1.3** Mr Casey's appeal against conviction was refused by the High Court on 3 July 1992.

### **2.0 Evidence at the Trial**

**2.1** The main evidence against Mr Casey consisted of forensic evidence of bloodstained clothing, including two pairs of gloves, and other items bundled together in a black bin liner bearing Mr Casey's fingerprints and disposed of by him following the murder.

### **3.0 Grounds that the Commission Rejected**

**3.1** The Commission considered and rejected submissions to the effect that a scientific report subsequently obtained by Mr Casey constituted fresh evidence, or alternatively that the failure by Mr Casey's legal representatives to obtain such a report for trial amounted to defective representation. Further grounds of non-disclosure and unreasonable verdict were also considered and rejected, as were all the grounds of appeal previously considered and rejected by the High Court.

### **4.0 Reason for Referral**

**4.1** The Commission instructed DNA analysis of the two pairs of gloves found within the black bin liner. The DNA findings constitute fresh evidence of such significance that the verdict of the jury, reached in ignorance of its existence, may have led to a miscarriage of justice.

### **5.0 Notes for Editors**

**5.1** 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.

**5.2** The Commission operates with a Board of nine Members (one of whom is the Chairman), a Chief Executive, a Director of Corporate Services, two Senior Legal Officers, five Legal Officers and administrative support staff.

**5.3** 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.

**5.4** 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)