



NEWS RELEASE

The Scottish Criminal Cases Review Commission ('the Commission') has today referred the case of David Patterson ('the applicant') 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 Patterson, Mr Patterson's solicitors and Crown Office. The Commission has no power under its founding statute to make copies of its statement of reasons available to the public. Brief summaries of the background of the case, the evidence led at the trial and the Commission's reason for referral is 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 was tried on indictment in the High Court at Dumfries in October 2007 before Lord Hardie and a jury. The indictment contained two charges of lewd, indecent and libidinous practices and behaviour and two charges of rape.

1.2. After trial the jury, by a majority, convicted the applicant of all four charges on the indictment as amended. The trial judge imposed a *cumulo* sentence of 12 years' imprisonment in respect of the charges.

1.3. The applicant sought leave to appeal against conviction and sentence. He was refused leave to appeal against conviction by both judicial sifts. His appeal against sentence was heard and refused on 19 November 2008.

2.0. Evidence at the Trial

2.1. The evidence against the applicant consisted of the testimony of the four complainers against whom he was alleged to have perpetrated the offences. The Crown relied on the application of the *Moorov* doctrine for corroboration of the charges and, consequently, for conviction.

2.2. At the close of the Crown case, a submission of no case to answer in respect of the two rape charges (charges 2 and 4 on the indictment) was made by the defence. This submission was rejected by the trial judge. The applicant thereafter testified on his own behalf, denying all the charges.

3.0. Reason for Referral

3.1. In his application to the Commission for review of his conviction in respect of the two rape charges, the applicant submitted that the trial judge erred in law in holding that there was a sufficiency of evidence to enable the jury to convict the applicant in respect of these two charges. Having considered this ground of review, and, in particular, the application of the *Moorov* doctrine in the applicant's case, the Commission considers that there may have been a miscarriage of justice in the applicant's case.

4.0. Notes for Editors

4.1. 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 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. Once a case is referred to the High Court by the Commission, it will proceed as a normal appeal.

4.2. The Commission 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.

4.3. 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 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 7030, e-mail: creddick@sccrc.org.uk or visit the Commission's website at www.sccrc.org.uk