

## **NEWS RELEASE**

**The Scottish Criminal Cases Review Commission ('the Commission') has today referred the case of Kevin Daffurn ('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. Daffurn 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 11 September 2008, at Airdrie Sheriff Court, Mr. Daffurn appeared on an indictment libelling two breaches of the peace, six charges of assault and one of failure to appear at an earlier sitting. In the course of the second day of the trial, Mr Daffurn pled guilty to five of the assaults and the charge of failure to appear. His not guilty pleas in respect of the remaining charges were accepted by the Crown.

**1.2** On 3 October 2008, the court imposed sentences totaling four years and nine months' imprisonment. He sought leave to appeal but this was not granted.

### **2.0 Reasons for Referral**

**2.1** The Commission reviewed a number of grounds relating to Mr Daffurn's sentence. It has decided to refer his case on the basis that it considers the sentence to be excessive.

### **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 nine Members (one of whom is the Chairperson), a Chief Executive, a Director of Corporate Services, two Senior Legal Officers, five 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)