

NEWS RELEASE

The Scottish Criminal Cases Review Commission ('the Commission') has today referred the case of Derek Adams ('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 Adams, Mr Adams' 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 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. The applicant appeared on indictment at a First Diet in Glasgow Sheriff Court on 12 January 2009 and tendered a plea of guilty to a charge of being concerned in the supply of diamorphine to others in February 2008.

1.2. The sheriff deferred sentence and called for a social enquiry report, a community service assessment and a restriction of liberty order assessment.

1.3. On 6 March 2009 the sheriff imposed a sentence of 32 months imprisonment, from that date, discounted from 4 years, allowing a discount of one third on the basis that the applicant had been unable to tender a plea earlier than the First Diet.

1.4. The applicant sought leave to appeal against sentence. He was refused leave to appeal by both judicial sifts.

2.0. Reason for Referral

2.1. In his application to the Commission the applicant submitted that the starting point of the sentence was too high, resulting in the imposition of a sentence which was excessive. Having considered this ground of review and having considered comparable cases, the Commission has concluded that the sentence imposed in the applicant's case was outwith the range of sentences which it would have been reasonable for the sheriff to impose in all the circumstances of the case. It follows that the Commission considers that the applicant may have 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 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, 5th Floor, Portland House, 17 Renfield Street, Glasgow; telephone: 0141 270 7030; e-mail: creddick@sccrc.org.uk; or visit the Commission's website at www.sccrc.org.uk