

## **NEWS RELEASE**

**The Scottish Criminal Cases Review Commission ('the Commission') has today referred the sentence of Bernard Carlin Young ('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. Young 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 9 November 2006, at Edinburgh High Court, Mr. Young appeared, along with Mr. James Bain and Mr. Richard Cosgrove, on an indictment libelling one charge of murder, one of attempted murder and four other related charges. The subsidiary charges were withdrawn in the course of trial. Each of the three accused was convicted of murder and attempted murder.

**1.2** The charges related to a shooting in the Marmion public house on 22 April 2006.

**1.3** On 11 January 2007, the court imposed life sentences on each of the accused with punishment parts of 22 years, 20 years, and 19 years and 6 months on Mr. Bain, Mr. Cosgrove and Mr. Young respectively.

**1.4** On 11 September 2007, Mr. Cosgrove's appeal against sentence was allowed, his punishment part quashed and a punishment part of 16 years substituted to reflect his "subsidiary and reluctant participation in the crimes and the substantially different roles which [he] and Bain played in them."

### **2.0 Reasons for Referral**

**2.1** The Commission decided to refer Mr. Young's case as it believes that, under reference to the subsequent reduced punishment part substituted in respect of Mr. Cosgrove, a greater difference in the punishment parts selected between

Mr. Bain and Mr. Young would also have been appropriate, and that accordingly the sentence imposed was 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)