



NEWS RELEASE

The Scottish Criminal Cases Review Commission ('the Commission') has referred the case of Craig Boath 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, the Lord Advocate and Crown Office. The Commission has no power under its founding statute to make copies of its statements of reasons available to the public.

The applicant was convicted after trial at Edinburgh High Court on 7 May 2009 of five contraventions of section 52 of the Civic Government (Scotland) Act 1982 as amended (possession of indecent photographs of children, taking or permitting to be taken or made indecent photographs of children, distributing or showing indecent photographs of children, possession of a number of indecent photographs of a child or children with a view to them being distributed or shown by him to others, and distributing or showing indecent photographs of children to his co-accused). He was also convicted of conspiring with others to commit sexual offences against a child (Charge 54).

The Commission has decided to refer the case to the High Court because it considers that, in light of the decision in *Strachan v HMA* [2011] HCJAC 3, the libel in one of the charges against the applicant should have been restricted to one between him and one other of his co-accused. In these circumstances the jury returned a verdict in respect of the applicant in respect of the conspiracy charge which was not as restricted as the evidence against him suggested, and in these circumstances, this may have led to a miscarriage of justice.

This release is 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.

Notes for Editors

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.

The Commission operates with a Board of 8 Members, one of whom is the Chairperson, a Chief Executive, a Director of Corporate Services, 3 Senior Legal Officers, 5 Legal Officers and administrative support staff.

In terms of its disclosure policy, the Commission will disclose the fact that a case has been referred. However, as it operated under strict statutory non-disclosure provisions, the Commission will not disclose any further information about such cases.

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