



NEWS RELEASE

The Scottish Criminal Cases Review Commission (“the Commission”) has referred the sentence of Abel Muntean (“the applicant”) to the High Court of Justiciary.

After a trial at Edinburgh High Court in May 2019 the applicant was convicted of two charges of rape. On 4 July 2019 he was sentenced to a 10 year period of detention. He sought leave to appeal sentence and stated that the judge had failed to adequately account for his age and the sentence imposed was excessive. Leave to appeal was refused in November 2019. He applied to the Commission in November 2020 for a review of his sentence.

During its review the Commission obtained a transcript of the sentencing hearing which ostensibly showed that the judge had not taken account of relevant factors concerning the applicant’s age. The Commission has decided that a miscarriage of justice may have occurred and has referred the applicant’s sentence 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 applicant, 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. 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. Once a case is referred to the High Court by the Commission, it will proceed as a normal appeal.

The Commission operates with a Board of 8 Members, one of whom is the Chairperson, a Chief Executive, a Director of Corporate Services, a Head of Casework, 2 Senior Legal Officers, 3 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.

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