



NEWS RELEASE

The Scottish Criminal Cases Review Commission (“the Commission”) has referred the case of David MacDonald (“the applicant”) to the High Court of Justiciary for determination.

In 2021 the applicant was convicted of multiple charges of assault and one charge of behaving in a threatening or abusive manner. The complainer in all the charges was the applicant’s former partner.

In 2022 the applicant applied to the Commission, seeking a review of his conviction and sentence.

The Commission has referred this case to the High Court because it concluded that the sheriff’s directions about the doctrine of mutual corroboration (also known as the *Moorov* doctrine) were such that the jury could not reasonably have been expected to follow them.

The Commission’s reference to the court concerns only those convictions that relied upon *Moorov* for corroboration.

The applicant raised various other grounds of review, challenging his convictions and his sentence. The Commission rejected each of these.

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 news release is for information purposes only and its content 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–T of the Criminal Procedure (Scotland) Act 1995, 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 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, 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 statutory non-disclosure provisions, the Commission will not disclose any further information about such cases.

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