



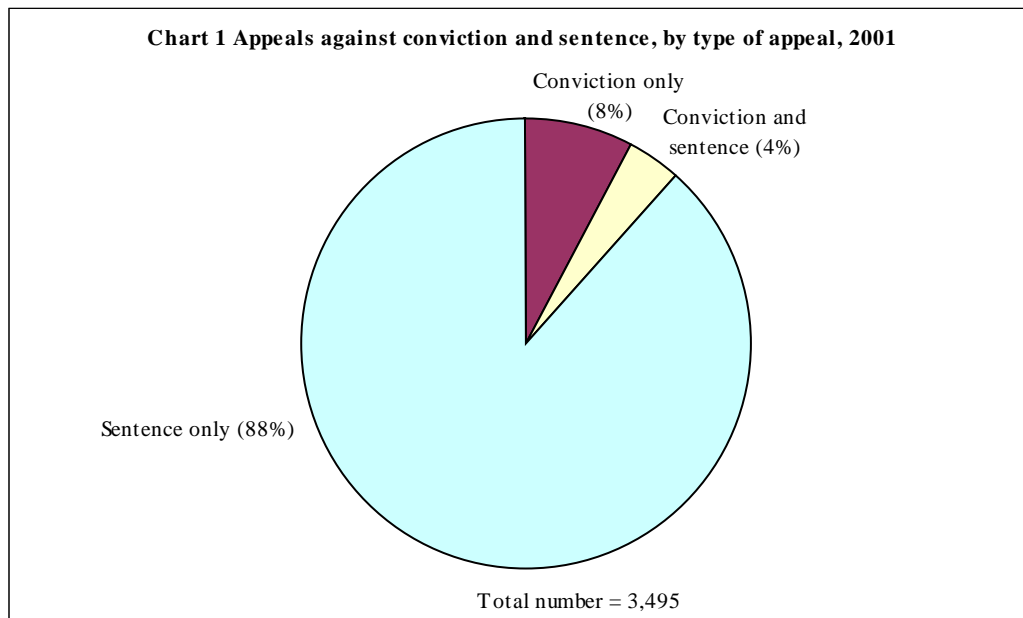
Statistics Release

26 September 2002

CRIMINAL APPEAL STATISTICS, SCOTLAND, 2001

A total of just under 3,500 appeals against conviction, sentence or acquittal were concluded in the High Court of Justiciary in 2001, an increase of 10 per cent compared with 2000 and 4 per cent below the peak of 3,652 appeals recorded in 1993, figures released today show.

Between 2000 and 2001, the number of appeals which involved High Court or Sheriff Solemn court cases (27 per cent of all appeals) increased by 11 per cent to 927. The number of appeals involving Sheriff Summary court cases also increased (by 16 per cent to 2,361), while the number of appeals involving District and Stipendiary Magistrates Court cases fell (by 31 per cent to 207).



Of the appeals decided in 2001, 8 per cent related to conviction alone, 88 per cent to sentence alone and 4 per cent to both conviction and sentence. A very small number of appeals related to the leniency of a sentence or an acquittal. The majority (75 per cent) of appeals involved persons who had been given a custodial sentence while a further 18 per cent related to persons who had been fined.

Table 1 Appeals against conviction, sentence and acquittal, by type of trial court, 1991-2001

Year	Number					Percentage of total			
	Total	High Court	Sheriff Solemn	Sheriff Summary	District ² Court	High Court	Sheriff Solemn	Sheriff Summary	District ² Court
1991	2,972	234	473	1,893	372	8	16	64	13
1992	3,474	257	521	2,273	423	7	15	65	12
1993	3,652	290	552	2,389	421	8	15	65	12
1994	3,407	287	540	2,124	456	8	16	62	13
1995	3,415	277	437	2,248	453	8	13	66	13
1996	2,946	292	397	1,974	283	10	13	67	10
1997	3,270	264	410	2,261	335	8	13	69	10
1998	2,986	285	295	2,107	299	10	10	71	10
1999 ⁽¹⁾	3,158	348	382	2,091	337	11	12	66	11
2000 ⁽¹⁾	3,179	420	418	2,040	301	13	13	64	9
2001	3,495	391	536	2,361	207	11	15	68	6

1. Revised figures.

2. Includes Stipendiary Magistrates Court

The total of 3,495 appeals in 2001 was equivalent to around three per cent of the total number of persons convicted in criminal proceedings. As a proportion of all persons convicted, appeals were relatively more frequent in cases involving custodial sentences (17 per cent) than for fines or other types of sentence (1 per cent). This proportion also tended to increase with custodial sentence length: it was 13 per cent for sentences of up to 6 months compared to 62 per cent for cases involving sentences of 4 years and over. (Excluding the 53 appeals by persons convicted of murder who had appealed against the effective start date of their life sentence, the latter figure falls to 51 per cent).

Table 2 Appeals against conviction, sentence and acquittal, by main crime and disposal under appeal, 2001

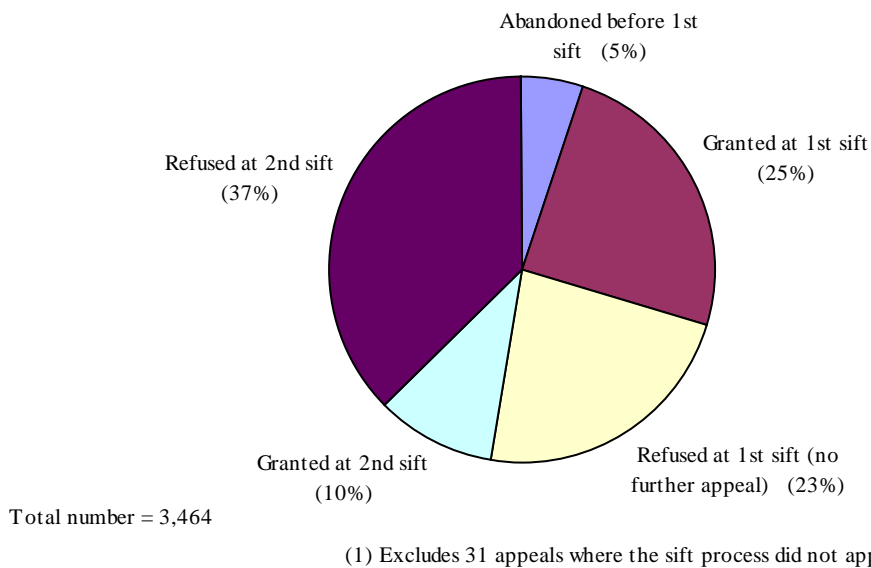
Disposal before appeal	All crimes and offences	Violence	Indecency	Dishonesty	Fire-raising & vandalism	Other crime	Misc. offences	Motor vehicle offences
Number								
Total	3,495	638	86	918	69	497	512	775
Custody	2,619	576	75	843	40	440	331	314
Up to 6 months	1,658	148	6	689	32	256	289	238
>6 months to 2 years	516	177	19	117	4	97	35	67
> 2 to < 4 years	138	60	12	31	1	26	3	5
4 years & over (including life) ⁽¹⁾	307	191	38	6	3	61	4	4
Fine	618	25	1	40	19	40	122	371
Driving disqualification	58	-	-	1	-	-	-	57
Other	199	37	9	34	10	17	59	33
Percentage of persons with a charge proved⁽²⁾								
Total	3	15	13	4	2	5	2	2
Custody	17	35	40	14	14	27	8	24
Up to 6 months	13	20	13	13	13	22	7	24
>6 months to 2 years	27	40	31	20	13	41	15	22
> 2 to 4 years	37	39	55	53	25	24	20	45
4 years & over (including life) ⁽¹⁾	62	67	63	40	100	48	57	100
Fine	1	3	*	1	1	1	1	1
Driving disqualification	*	-	-	*	-	-	-	*
Other	1	2	3	*	1	1	1	1

- Nil * Less than 0.5

1. Includes 53 appeals by people convicted of murder who were appealing against the effective start date of their life sentence.

2. Percentages based on the number of persons with a charge proved in 2000.

Chart 2
Appeals against conviction, sentence and acquittal, by outcome of sift process ⁽¹⁾, 2001



Nearly all (99 per cent) of the 3,495 appeals completed in 2001 involved the sift process. In 35 per cent of these cases leave to appeal was granted at the sift stage, with this proportion being slightly higher for appeals in solemn cases (45 per cent) than for summary cases (31 per cent).

Out of the total number of appeals completed in 2001, 68 per cent were refused at the sift stage or abandoned, while a further 20 per cent were otherwise unsuccessful. In total, 12 per cent of appeals were successful, including the quashing of the original conviction (0.7 per cent) or a reduction in the original sentence (11.2 per cent). This success rate was higher for the 391 appeals in High Court cases (19 per cent successful) than for the 536 appeals in Sheriff solemn cases (15 per cent successful) and the 2,568 appeals in summary cases (10 per cent successful). In a handful of cases the original sentence was increased.

In the 109 successful appeals against custodial sentence in 2001, the average reduction in sentence length was 34 per cent. Successful appeals against a fine (54 cases) resulted in an average reduction of 53 per cent in the amount of fine.

The introduction of a preliminary sift stage into the appeals process in September 1995 had a displacement effect on the outcome of appeals. There was an increase in the proportion of appeals which were refused at the sift stage or abandoned and a corresponding decrease in the proportion which were dismissed.

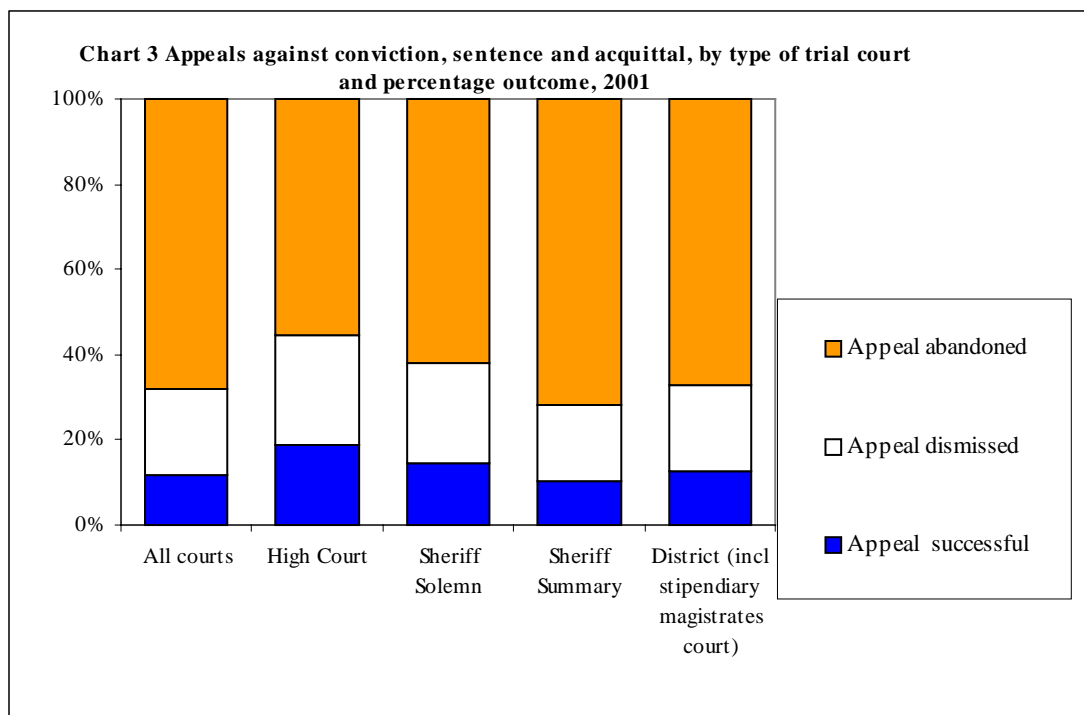


Table 3 Appeals against conviction, sentence and acquittal, by outcome, 1991-2001

Year	Number					Percentage of total			
	Total ⁽¹⁾	Conviction quashed	Sentence reduced	Dismissed	Abandoned ⁽²⁾	Conviction quashed	Sentence reduced	Dismissed	Abandoned ⁽²⁾
1991	2,972	146	362	1,288	1,163	5	12	43	39
1992	3,474	101	356	1,523	1,464	3	10	44	42
1993	3,652	112	396	1,600	1,507	3	11	44	41
1994	3,407	125	314	1,425	1,525	4	9	42	45
1995	3,415	105	315	1,372	1,604	3	9	40	47
1996	2,946	59	259	660	1,948	2	9	22	66
1997	3,270	72	505	747	1,933	2	15	23	59
1998 ⁽³⁾	2,986	32	408	747	1,789	1	14	25	60
1999 ⁽³⁾	3,158	68	326	614	2,132	2	10	19	68
2000 ⁽³⁾	3,179	51	343	643	2,136	2	11	20	67
2001	3,495	24	391	694	2,383	1	11	20	68

1. Includes a small number of other sustained appeals.

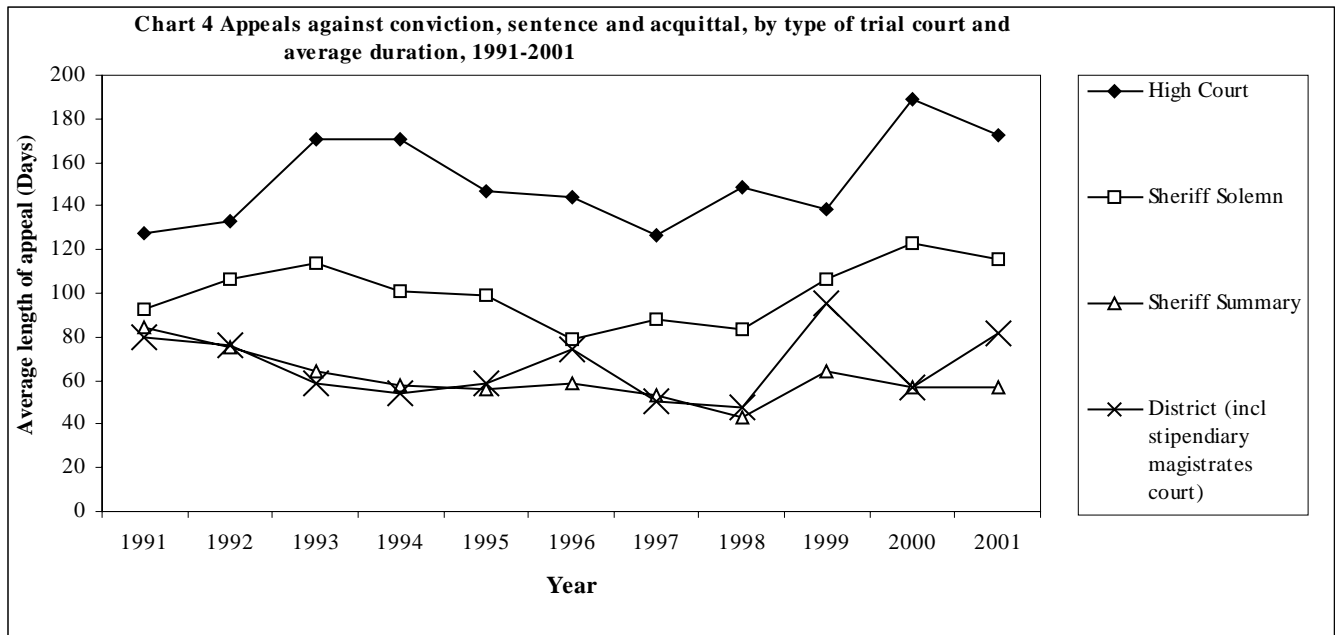
2. Includes, from September 1995 onwards, appeals refused at sift stage.

3. Revised figures.

The average length of time taken to complete appeals followed a general downward trend during most of the early 1990s, falling from 88 days in 1991 to a low of 58 days in 1998. The average then increased to 83 days in 2000 before falling by 3 per cent to 80 days in 2001. Between 2000 and 2001 there were decreases in the average duration of appeals involving High Court cases (down by 9 per cent to 172 days) and Sheriff solemn court cases (down by 6 per cent to 115 days). The average duration of appeals for Sheriff summary court cases increased marginally (up by less than 1 per cent to 57 days) while the average for District and Stipendiary Magistrate court case appeals increased by 44 per cent to 88 days.

The majority (78 per cent) of appeals in 2001 were completed within 3 months; the corresponding proportion in 2000 was 74 per cent. Four per cent of appeals took more than one year to complete.

In 2001, appeals against conviction took on average almost three times as long to complete as appeals against sentence only, 190 days compared with 66 days.



NOTES

1. All findings of the court of first instance are subject to appeal to the High Court of Justiciary, sitting as an appeal court. Convicted offenders may appeal against their conviction; against sentence; or against both conviction and sentence. The right to appeal sentence alone in summary cases has been available since 1981, following changes introduced by the Criminal Justice (Scotland) Act 1980. From late September 1995 leave to appeal must, in nearly all cases, be granted by a High Court judge; refusal of leave may be appealed to the High Court. The Lord Advocate has a right to refer a case resulting in acquittal to the High Court for a decision on a point of law (though this does not affect the acquittal), while the Crown also has a right of appeal against a sentence on grounds of undue leniency.

2. The Scottish Criminal Cases Review Commission (SCCRC) was established on 1 April 1999 to review and investigate cases of suspected wrongful conviction and/or sentence in Scotland. Where the Commission believes, after proper investigation, that a miscarriage of justice may have occurred, and that it is in the interests of justice that a reference should be made, it may refer a case to the High Court. Once a case is referred, the High Court will determine the case as if it was a normal appeal.

3. The year in which an appeal is counted is the year in which it was concluded. This is not necessarily the same as the year in which the appeal was lodged, nor the year in which sentence was passed in the original court case. Incompetent appeals and certain types of procedural appeal, such as those which are for an extension of time on an existing appeal, are excluded from the figures.

4. The statistics published in this Release reflect the information as held at 13 September 2002. They incorporate some minor revisions to data published previously for 1998 to 2000; any further revisions to the data will be reported in future Statistics Releases.

5. This Statistics Release may be viewed on the Scottish Executive Internet Web site: <http://www.scotland.gov.uk/stats/bulletins/00185-00.pdf>.

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