



Bill Aitken MSP
The Scottish Parliament
Edinburgh
EH99 1SP

Chief Executive's Office
1A Parliament Square
Edinburgh
EH1 1RF

DX 549306
LP1 Edinburgh 10

24 May 2010

Dear Mr Aitken

SCOTTISH PARLIAMENTARY QUESTIONS: S3W-33345 & 33346: OUTSTANDING CRIMINAL APPEALS

The Cabinet Secretary for Justice's response of 4 May to your parliamentary questions (S3W-33345 and 33346) advised that the matters raised in the questions are the responsibility of the SCS. As you will be aware, the Scottish Court Service (SCS) was established as an independent corporate body from 1 April 2010. Your questions have been passed to me for reply and the information requested is provided below.

S3W-33345: *To ask how many criminal appeals are outstanding.*

As of end-March 2010, there were 532 outstanding criminal appeals. This figure includes 377 appeals lodged from 1 January 2010 and 155 lodged in previous years.

The figures include all outstanding Solemn appeals against conviction, Solemn appeals against conviction and sentence; Solemn appeals against sentence; appeals by stated case; Summary appeals against sentence; Bills of suspension, Bills of advocacy; Petitions to the Nobile Officium and Extradition appeals.

S3W-33346: *To ask how many outstanding criminal appeals there are in relation to cases disposed of by the court of first instance in (a) 2009, (b) 2008 (c) 2007 and (d) prior to 2007.*

As noted above, there are 155 outstanding criminal appeals lodged prior to the current year. The table below shows the number of outstanding appeals lodged in each year rather than the year the case was disposed of by the court of first instance. Although time limits exist for the lodging of appeals it is not unusual for extensions of time for lodging of an appeal to be allowed and an appeal may be lodged some time, even years after the appellant was convicted and sentenced by the court of first instance, for example where the Scottish Criminal Case Review Commission refers a case to the court of appeal.

An appeal hearing is not fixed until the appellant advises that their appeal is ready to proceed or the court directs that the appeal should proceed. The reason why an appeal is not ready to proceed varies from case to case. For instance a decision in another case may be awaited as it would affect the outstanding appeal or further investigation may be instructed by the appellant's counsel.

**Table: Outstanding Criminal Appeals
At End-March 2010 by Date Lodged**

Year Appeal Was Lodged	Numbers of Appeals Outstanding
2003-2006	21
2007	7
2008	30
2009	97
Total	155

Information about the number of outstanding appeals is held by the Justiciary Office within the High Court of Justiciary. Procedural hearings or appeal hearings have taken place in all but the most recent of appeals.

I hope the above information is helpful.

Yours sincerely



Eleanor Emberson
Chief Executive
0131 444 3307
eemberson@scotcourts.gov.uk