



LINKED CASES: CO- DEFENDANTS AND OTHER POTENTIAL APPLICANTS

CASEWORK POLICY

Table of Contents

Introduction 1
 Co-defendants 1
 Other linked cases 2

Introduction

1. The majority of reviews conducted by the CCRC result from applications from or on behalf of a convicted person. The CCRC may become aware, however, of information which brings into question the safety of a conviction where there has been no application for review. Similarly, the CCRC may become aware that cases are linked by a common nexus, such as co-defendants, a material witness or a point of law. The CCRC may consider reviewing such cases together, or will take steps to initiate an application where it feels that it would be in the public interest to do so.
2. The CCRC will not invite an application unless it believes that the person concerned is unaware of circumstances that might lead to a real possibility that his/her conviction (or sentence) might be quashed.
3. In exceptional cases the public interest may override the wishes of an individual, but the CCRC will not generally review a case without the agreement of the convicted person.

Co-defendants

4. Those tried on the same indictment may not raise the same issues but the cases of those jointly tried will generally be reviewed together.
5. On receipt of any new application the CCRC will check any named co-defendants against a list of existing applicants. Where there is a match, it will generally be appropriate for the two cases to be linked.
6. Where one (or more) case has already been referred to an appellate court, the Director of Casework Operations (DCO) will generally prioritise any later applications from a co-defendant(s), assuming a real possibility of those reviews being concluded before the referred case is decided by the court. The DCO will ensure that the appellate court is informed that a co-defendant's application has been received and is under active review.
7. Where one case is referred and it appears, as a result, that a co-defendant should be invited to apply to the CCRC, the Case Review Manager will notify the DCO so that appropriate action can be taken.

Other linked cases

8. Where it appears that one or more cases are linked by a common nexus, the DCO will make suitable arrangements for co-ordinating those cases, including liaising with other public bodies as appropriate.