

John Scullion QC

Year called: 2002
Year of silk: 2014
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Qualifications: LLB (Hons) and Diploma in Legal Practice (Strathclyde)



Practice Profile

John was a solicitor in private practice for 7 years before calling to the Bar in 2002. He has extensive experience defending clients in the Sheriff Court and High Court of Justiciary. He was appointed as an ad hoc advocate depute in 2006, becoming a full-time advocate depute in 2007. In 2009 he became a Senior Advocate Depute and in 2011 was appointed to the role of Assistant Principal Crown Counsel.

He has experience of Fatal Accident Inquiries, fatal road traffic collisions, health and safety prosecutions, financial prosecutions and other areas of regulatory crime. He has conducted many high profile and complex cases including in excess of 20 murder trials. He has prosecuted and defended the most serious sexual offences and appears regularly in the Criminal Appeal Court.

Selected Cases

2017: HMA v LT: Accountant pled guilty to embezzlement over a 7 year period from the Edinburgh Festival Fringe Society of over £200K sentenced to a Community Payback Order.

2016: HMA v Lewis Thomson T/A Hex Fabrication (4-week sheriff and jury trial): Accused acquitted of charge brought under Section 3 HSWA involving a death at work following the collapse of a Mobile Elevating Work Platform.

2016: HMA v AJM: Employee of Adam Smith College, Fife, prosecuted in the High Court charged with fraudulently obtaining funds from the European Commission European Structural Funds.

2016: HMA v WM: Church minister acquitted of allegations of historical sexual abuse made by parishioners.

2016: HMA v EM: Prosecution under S2B of the RTA 1988

2016: WM v HMA: Successful appeal against conviction by church minister convicted of charges of sexual assault made by parishioners [2016] HCJAC 15.

2016 – John Docherty v HMA: Appeared for the Crown in murder conviction appeal in relation to the murder of a 16-year-old girl in 1986 [2016] HCJAC.

2015-16: Rangers Case: Advising former director of Rangers Football Club.

2015: Financial Conduct Authority v AG: Multimillion pound fraud action brought against an Independent Financial Advisor.

2015: HMA v TA: Professional footballer acquitted of indictment containing a charge of assault to severe injury and permanent disfigurement.

2015: HMA v Alexander Pacteau: Notorious murder of Irish student Karen Buckley.

2014 - HMA v John Docherty (11-week Murder Trial). The first prosecution to come to trial from the Crown Office Cold Case Unit arising out of the murder of a 16 year old girl in June 1986. Complex circumstantial case involving a significant number of expert witnesses in relation to the recovery and interpretation of DNA evidence. The accused was convicted of Murder.

2013 - HMA v Clive Carter (2-week Murder Trial). Security guard employed by G4S killed a female delegate at a medical conference at the SECC. The case involved a significant amount of expert psychiatric evidence as the accused sought to be convicted of culpable homicide on the basis of diminished responsibility. The accused was convicted of murder.

2013 - HMA v David Blair Wilson (Misuse of Drugs Act 1971 and Prisons (S) Act 1989). Solicitor convicted of smuggling controlled drugs and mobile telephones into HMP Saughton.

2012 - HMA v Mohammed Siddique, Tencho Andonov and Deyan Nikolov (19-week Conspiracy to Murder and Murder Trial). Mohammed Siddique arranged the murder of his brother following a dispute over the ownership of a property company. The case involving detailed analysis of over 20,000 pages of business and telephone records. The accused were convicted of murder.

Road Traffic Act 1988 Section 1

2014 - HMA v James Clunie. Accused caused the death of 2 pedestrians by driving without due care and attention at excessive speed contrary to Section 2B of the Road Traffic Act 1988, following a sustained period of dangerous driving.

2010 - HMA v Jamie Dolan. Causing death by dangerous driving whilst unfit through drink or drugs.

2010 - HMA v Alistair David Ferrier. Causing death by driving dangerously involving excessive speed.

2007 - HMA v Stuart Logue, Graham Lynn and Shaun Marshall. The accused caused the death of 3 people whilst engaging in a race.

2007 - HMA v James Davidson, Andrew Sneddon and Andrew Cormack 2007. The principal accused caused the death of a passenger on his motorbike whilst driving at excessive speed.

Selected Appeals

Kevin Addison v HMA [2014] HCJAC 110. Appeal against conviction based on a ground of defective representation arising out of a murder trial where the appellant was not defended by senior counsel.

Robert Chalmers v HMA [2014] HCJAC 24. Appeal before a bench of 5 judges to consider the interpretation of Section 2(2)(a) of the Prisoners and Criminal Proceedings (S) Act 1993 and the ratio of the case of *Cameron v HMA [2011] HCJAC 29*

Philip Wade and Colin Coats v HMA [2013] XC225/13. Applications to recover reports from Police Scotland, which contained sensitive information, in support of an appeal against conviction, where it was alleged that the Crown had failed to disclose material evidence in a murder trial. The applications were refused.

Ernest D'Arcy v HMA [2013] HCJAC 173. Appeal against conviction considering the requirement for specific directions in relation to the evidence of competing expert witnesses following *Hainey v HMA 2013 SCCR 309*.

The Marquis of Headfort Thomas Taylour v PF Kirkcudbright [2012] XJ810/12. Appeal by stated case against a conviction under Section 2 of the Road Traffic Act 1988 considering the powers of a sheriff to amend a summary complaint ex proprio motu.

Appointments

- Assistant Principal Advocate Depute (2011–present)
- Senior Advocate Depute (2009–2011)
- Trial Advocate Depute (2007–2009)
- Ad hoc Advocate Depute (2006–2007)

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