



## Evidence in Criminal Trials

*Liz Heffernan, Una Ní Raifeartaigh*

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Evidence in Criminal Trials is a new Irish legal title providing a comprehensive, dedicated examination of the subject and covers the vast majority of issues addressed in law school courses on evidence.

It is the only evidence title on the market that deals with international developments regarding criminal evidence and electronic disclosure and is written by one of the leading academics in this field, in conjunction with Úna Ní Raifeartaigh, one of the most renowned criminal barristers in the jurisdiction.

The law of evidence comprises the rules which govern the presentation of facts and proof in proceedings before a court. It is a subject of enormous importance to both practitioners and students.

Over the past 20-30 years, Irish law in this area has increasingly diverged from UK law, making UK texts decreasingly useful to Irish practitioners and students.

## **Contents includes:**

### **Introduction:**

The nature of evidence; The trial setting; The Constitution; The ECHR; Key evidentiary concepts; Means of proof; Burdens and standards of proof; International developments;

### **Disclosure:**

Introduction; Material relied on as part of the prosecution case; Material not relied on as part of the prosecution case; Material in the possession of third parties; Procedural mechanisms; Electronic disclosure; Defence disclosure; The duty to seek out and preserve evidence;

### **Privilege:**

Introduction; The privilege against self incrimination; Informer privilege; Public interest privilege; Private privileges;

### **Testimony:**

Introduction; Examination-in-chief; Cross-examination; Re-examination; Special measures; Previous witness statements;

### **Particular Witnesses:**

The accused; The spouse of the accused; Children; Complainants in trials for sexual offences; Children; Persons with cognitive impairment; Accomplices; Intimidated witnesses; Eyewitnesses; Heads of State and diplomats;

### **Expert Evidence:**

Admissibility; Weight; The duties of the expert; The reliability of expert evidence; Governance and reform;

### **Custodial Statements and Silence:**

The custodial setting; Constitutional rights; Statements; Silence;

**Evidence Other than Testimony:**

Introduction; Documentary evidence; Real evidence; Scientific and Technical Evidence; Surveillance evidence;

**Hearsay:**

Hearsay defined; Out of court statements; Probative purposes; Exceptions to the rule; The ECHR; Reform;

**Unlawfully Obtained Evidence:**

Introduction; The development of the exclusionary rule; Conscious and deliberate breach; Causative link; Extraordinary excusing circumstances; Illegally obtained evidence; Reform.

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