

An Expert Witness's Account of Digital Evidence in Court

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Outline

- Formal court procedures
- Classifications of Evidence
- Digital Forensics Evidence
- Illustrative real case studies in practice

What the courts actually do?

UK Courts

- Perception of the courts
 - More than appearance of robes, wigs, papers, drama, etc.
- A court needs to establish what happened through
 - Supporting evidence
 - Sufficient to satisfy the court
- Collection of informal evidence
 - Prosecutors/law-enforcement may be convinced of what happened
 - Presented evidence, however, may not be sufficient for the court to be satisfied
- Court actually follows formal court procedures

As it happens in a court ...

1. Prosecutor read charges against the defendant
 - Demonstrating a number of things to support their view
2. Witnesses are brought by the prosecution
 - Prosecution: Asks a series of questions
 - Defence: Do cross examination & re-examination
3. Defence brings their witnesses
 - Same procedure of cross-examination & re-examination of witnesses by the defence and the prosecution
4. Jury decide whether defendant is guilty or not

Civil court

There is no prosecutor in a civil case

- Corresponding role is a Plaintiff

Rule of the court

- Courts have to follow a specific procedure
 - People are given the opportunity to present their cases
- Primary objective is to achieve fairness