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Defendants (criminal proceedings)

Ireland

These factsheets explain what happens when a person is suspected or accused of a crime which is dealt with by a trial in court.

If you are the victim of a crime, you can find full information about your rights [here](#).

Summary of the criminal process

An Garda Síochána have a number of powers to stop and search a person, and powers also to arrest a person they believe to have committed, or to be in the process of committing an arrestable offence.

Once in Garda custody a member of An Garda Síochána will explain your rights, and these include the right to speak with a solicitor and a doctor, to have an interpreter present if you require one. There are special provisions for children in custody which provide that an appropriate adult should be present at interviews.

At this stage you may be asked to give consent for samples to be taken for DNA testing, give fingerprints, have a photograph taken, and/or participate in an identification parade.

During the course of the investigation, a member of An Garda Síochána may charge you with an offence. This may be done by way of a Charge Sheet or you may be served a Summons to attend Court on a given date. The Gardai will send a file with details of the investigation to the [Director of Public Prosecutions](#) who will decide whether to prosecute the case on behalf of the State.

You may be released immediately on 'Station Bail' requiring you to appear in Court or you may need to apply to the [District Court](#) for bail at a later stage.

Minor offences, known as 'summary offences' are prosecuted at the District Court. More serious offences or 'indictable offences' are tried before a Judge and Jury.

Throughout the criminal justice process you are always presumed to be innocent until proven guilty.

You are entitled to legal advice. If you cannot afford to pay for representation, you may apply for [legal aid](#).

If you are convicted you have been found guilty of the offence beyond a reasonable doubt. If convicted in the District Court you have a right to appeal the conviction or sentence. If you are acquitted that is the end of the case, and no further steps can be taken against you.

If you are convicted by a Jury of an indictable offence, then there is no automatic right to appeal and you should consult with your legal team on how to proceed.

Details about all of these stages in the process and about your rights can be found in the factsheets. This information is not a substitute for legal advice and is intended to be for guidance only.

Role of the European Commission

Please note that the European Commission has no role in criminal proceedings in Member States and cannot assist you if you have a complaint. Information is provided in these factsheets about how to complain and to whom.

Click on the links below to find the information that you need

[1 - Getting legal advice](#)

[2 - My rights during the investigation of a crime](#)

Arrest

Questioning and the police investigation

Searches

First court hearing

Preparation for trial, or entering a plea of guilty pre-trial

[3 - My rights during the trial](#)

[4 - My rights after the trial](#)

[5 - Road traffic offences](#)

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