

The Irish Innocence Project was in attendance today in the High Court to hear the proceedings under The Hon. Mr Justice Paul McDermott. The project which supports those who claim they are factually innocent has brought a case on behalf of John McDonagh in relation to An Garda Síochána's refusal to allow the project experts access to evidence for more up to date DNA testing, which may result in the discovery of DNA profiles that were not detectable in 2001. The case has been brought through the assistance of Sheehan and Partners Solicitors, a Dublin-based solicitors firm which has been working on the case since the outset.

David Langwallner, project Director said, "It is simply a case of equality of arms. A convicted person has the right under Section 2 of the Criminal Procedure Act 1993 to adduce a new or newly discovered fact which may render his or her conviction unsafe. We have here a chicken and egg situation of the most tragic kind where the State is preventing the testing that may lead to this fact."

The type of testing commonly used by the state at the time of the trial was unable to separate male and female DNA, however, a more modern Y-STR test is being proposed to isolate male DNA in several samples. In addition 'touch DNA' testing is now a viable option that was not available in the state in 2001. This case could set a new precedent for allowing access to DNA testing in Ireland. All 50 states in the US have similar statutory provisions. DNA testing has become an empirically powerful forensic tool to prove guilt or innocence in the criminal courts.

The Irish Innocence Project, based at Griffith College Dublin, is part of the International Innocence Network which supports victims of miscarriages of justice, bringing together world class experts in various fields and is one of 68 projects worldwide recognized by the Innocence Network. The Irish Innocence Project is comprised of nearly 20 law and journalism student caseworkers from Griffith, Trinity College and Dublin City University who are investigating claims of innocence in about 20 cases and working under the supervision of about eight pro bono lawyers.