

**Title of dissertation:** The role of defence attorney in criminal proceedings

**Key words:** The role of attorney, digital evidence, criminal proceedings

## **Abstract**

The intention of this rigorous thesis is to bring the practical knowledge from the practice of a defense attorney with an interpretation of this knowledge on how to proceed in the individual phases of criminal proceedings, especially when defending the rights of the accused person. The rigorous thesis presents the individual practical circumstances of how to conduct a defense and deal with a represented client, i.e. from the position of a defense attorney, and for this purpose selected knowledge is elaborated on how to prepare a client for individual actions and how to prepare a attorney's file, including finding or securing evidence in benefit of the accused person. The individual findings in the thesis are supplemented by selected situations in criminal proceedings that the defense must deal with, and it discusses the role of the defense attorney in the individual phases of the criminal proceedings. Chronologically, the findings are divided into chapters from the first stages of the criminal proceedings, i.e. from the beginning of the investigation to almost to the end of the main trial in the form of the closing speech of the defense attorney in connection with the final proposal. Briefly, the thesis is also focused on legal assistance in the before prosecution stage , i.e. until the criminal prosecution of a specific person is initiated. In the main trial and after the filing of the indictment, this work further focuses on the still quite new institutes of procedural criminal law, such as the statement to the indictment, the possibility of declaring guilt, etc., including the possibility of making such a statement and statement already at the beginning of the main trial. At this level, a number of jurisprudence and interpretive doctrines on the issue in question are presented, while the defense attorney must approach all institutes (which cause various consequences, including the possibility of issuing a so-called "contumacy judicial decision") carefully. It also discusses possible diversions, their requirements, including how to close them, or how are approved or how are to be decided by the law enforcement authorities and when such a diversion (including defense tactics) can be recommended to the client, the accused individual person. Furthermore, it also discusses digital evidence of the modern era and its applicability in criminal proceedings as evidence, including the conditions under which such evidence can be used (the difference

can be seen in relation to defense and public prosecution), or which authorization to choose according to procedural law (primarily within the framework of operative persecution matter). In this context, the thesis tries to clearly draw attention to the fact, that the defense attorney must not rely on the procedural inapplicability of the evidence, as the so-called doctrine of the poisoned fruit from the poisoned tree does not fully apply. The conclusion is devoted to the closing speech and what such a closing speech should contain.