

Cite as: 3 NCTU L. REV., September 2018, at 159.

The Right of the Indigent Defendant to Expert Assistance in the Criminal Cases

Siao-Wun Chiu *

Abstract

This article introduces the expert witness in the United States legal system and analyzes the leading case: *Ake v. Oklahoma*. The purpose of this research is to study whether an indigent defendant has the right to expert assistance in the criminal cases. To be more specific, how they can exercise this right, how to find an expert who has the willingness to assist the case, and what is the financial resource to support this legal system. To deeply understand the legal system and litigation situation in Taiwan, this study adopted the interview research method and provided the perspective of accounting professor, accountant, and the litigation attorney. Based on their professional opinion, to further analyze the demands of the indigent defendant to hire an expert, whether should the legal system to endow defendant the right to elect their expert. On the other hand, it probably exists some critical issues

* Attorney-at-Law; Ph.D. Candidate, National Chiao Tung University School of Law, Taiwan; Visiting Scholar, Duke University School of Law, USA.

in Taiwan's legal system, such as the discretion of the prosecutor, the plea bargaining system and the right of Judges to interrogate the expert witness.

Keywords: Expert Witness, Financial Crime, Forensic Accounting, Litigation Support, Indigent Defendant