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EXPERT OPINION AS EVIDENCE IN CRIMINAL PROCEEDINGS

This article is devoted to problems of forensic expert opinion consideration as evidence during the pre-trial investigation and the trial. This attempt is aimed at analysing the expert opinion as evidence, the source of the evidence, establishing common and different features of these concepts, which often are evaluated as identical by the scientists in the field of procedural law. Expert opinion in the article is seen as evidence together with other evidence since it is not primary. It is based on previously acquired facts and information but it is unique in its essence, it is the author's vision and he is personally responsible for it. The value of an expert opinion is in line with other factual circumstances of the case. It is determined that the expert opinion is a detailed description of forensic expert studies and conclusions made on the basis of their results, as well as grounded answers to the questions. It should be done only in the written form. The author made the first attempt in the science of criminal procedure and the law of evidence to classify it as evidence. For example, it is noted that the expert opinions depending on approval or denial of the fact that require confirmation using special knowledge can be positive or negative. In oth-

er cases, they may be defined as probable, or point to the impossibility of solving the issue. According to the source of obtaining information, expert opinion can be regarded as primary and as a derivative. In relation to the subject of prosecution expert opinion may be guilty and acquittal, depending on the fact it proves. According to the findings of the expert, the conclusion of the study may be of a categorical and probable character. In relation to the facts to be proved, expert opinions are divided into direct and adverse. Those that deny or confirm the circumstances to be proved are defined as direct. Others that are not unambiguous are defined as indirect. According to details, the expert opinion is related to the document. According to the mechanism of formation, it is drawn by a forensic expert personally, but the investigation concerns the facts that are not related to the forensic expert. The author proposed to consider the expert opinion as complex evidence; just as evidence and not as a source of evidence. It also has the features of secondary evidence, since it is not based on new information but on previously established. These provisions are relevant to the theory of the law of evidence.