

57. Fingerprints

57.1 Legislation

[Last reviewed: January 2025]

Nil.

57.2 Commentary

[Last reviewed: January 2025]

The judge should tell the jury that it is a question of fact for them whether there is a match between the fingerprint samples. The expert evidence is admitted only to assist the jury to make this determination.

A direction that the matching of the fingerprints of the Defendant with those of the apparent perpetrator is some evidence that the Defendant is the perpetrator may not always be appropriate. In *R v Peel* [\[1999\] 2 Qd R 400](#), at [411], Williams J held that fingerprint evidence alone (in the circumstances of that case) could not support a conviction. His Honour also noted that *'[t]hat is not to say that fingerprints alone may never justify a conviction. Much will, as is often the case, be dependent on all the surrounding circumstances.'*

57.3 Suggested Direction

[Last reviewed: January 2025]

(The first sentence of this direction may not always be appropriate).

Identity of fingerprints of a Defendant with those of the apparent perpetrator of an offence is some evidence of the identity of the Defendant as the perpetrator.

The identification of the characteristics of fingerprints and their patterns is essentially a matter of expert evidence, and experts have given evidence in the case. It is for you to consider whether on a consideration of the expert and other evidence in the case you are satisfied that the examined fingerprints are those of the Defendant.