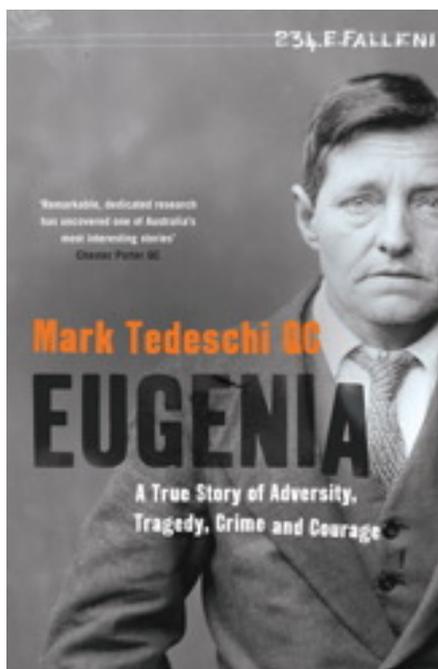


Eugenia: A True Story of Adversity, Tragedy, Crime and Courage



By Mark Tedeschi QC Published by Simon & Schuster Available in paper and ebook in September 2012

<http://books.simonandschuster.com.au/Eugenia-Falleni/Mark-Tedeschi/9781922052292>

This is the true story of the life and trial of Eugenia Falleni, a woman who in 1920 was charged with the murder of her wife – yes wife! Eugenia lived in Sydney for twenty-two years as a man, Harry Crawford, and during that time officially married twice.

This story includes: a tragic main character who believed she was a man trapped in the body of a woman, sexual deception in the dark, an allegation of murder, an over-exuberant police investigation, an erudite judge, a determined prosecutor, an overwhelmed defender, the Press gone feral, the public clamouring for blood – a mix that unsurprisingly led to a miscarriage of justice.

This is a clearly and easily read account of one of the most extraordinary criminal trials in legal history anywhere in the world. In October 1920, when Eugenia Falleni, a.k.a. Harry Crawford, first appeared in court charged with the murder of her first 'wife', the full weight of the law and public opinion came crashing down on her, branding her as a complete outcast and a serious menace to the moral fabric of society. The Crown

Prosecutor at the trial was William Coyle KC, the very first Senior Crown Prosecutor for New South Wales and an experienced and accomplished advocate. Eugenia Falleni was represented by Archibald McDonell, a very pedestrian defence counsel who was clearly out of his depth. During the trial, Coyle easily outmanoeuvred McDonell, who made many egregious mistakes. In the context of the hatred and fear that had been whipped up by a voracious press, Eugenia's chances of receiving a fair trial were very slight.

The extraordinary trial of Eugenia Falleni is extensively described and analysed in an easily understandable way by the present day Senior Crown Prosecutor for New South Wales, Mark Tedeschi QC, one of Australia's foremost criminal law barristers, with experience both as a prosecutor and a defender. With a lengthy and distinguished career presenting criminal cases to juries, Mark Tedeschi has turned his storytelling abilities into his first true-crime book, published by Simon & Schuster.

Eugenia's trial raises a number of significant legal issues of interest to secondary and tertiary Legal Studies students. The author analyses how differently her trial would have been run if it were held today. Those issues include:

- the standard and onus of proof required in a criminal trial
- the role of the judge, jury, Crown Prosecutor and defence counsel
- the elements of murder and manslaughter
- the obligation of the police to take a suspect who has been arrested directly before a magistrate
- the official police caution and the right to silence
- the dangers of identification evidence similar fact evidence (now called coincidence and tendency evidence)
- the present day judicial discretion to exclude evidence
- the obligation of counsel to confront witnesses if they are going to challenge their evidence
- the role of expert witnesses, lies as evidence of guilt and lack of credibility
- techniques of advocacy, including cross-examination
- irrelevant and inadmissible evidence and exhibits
- the accused's decision whether or not to give evidence (and the former right to make a dock statement)
- a case in reply
- the role of closing addresses
- the judge's summing up
- verdict, sentence, and appeal.

About Mark Tedeschi



This is Mark Tedeschi's first venture into true crime storytelling. Apart from being Senior Crown Prosecutor and a barrister for thirty-five years, he is an avid exhibiting photographer, a member of the Board of the National Art School in Sydney and a visiting professor at the University of Wollongong.

His exploits have included: a masters degree in international trade law in London; a long sojourn in Florence to learn Italian (the language of his forebears); dog sledding in Canada; trekking in the Keren tribal area of northern Thailand; prosecuting for treason in Fiji; training prosecutors in Australia, Indonesia, Tonga, Samoa, and Fiji; visiting remote aboriginal art communities in the Northern Territory; and exhibiting photographs in Canberra.

He delights in telling people that he is such a poor barrister that he has only had one client for the last three decades – an elderly lady who lives in London, who has come to Australia several times, but couldn't spare the time to see him.