I am the:

☐ Victim ☐ Parent of Victim ☐ Victim's Next of Kin

☐ Spouse ☐ Guardian of Victim ☐ Other Family Member ☐ Child of Victim

Names(s) of Victim(s): _____

I request to be notified about the criminal appeal status in the above matter. I understand that it is my responsibility to inform you if my address should change. My current contact information is:

Requestor (Name): Mr./Mrs./Ms. (Please circle) _____

Address: _____ City: _____

State: _____ Zip Code: _____

Phone: _____ Email Address: _____

Signature of Requestor of Victim/Witness Advocate _____ Date _____

## What if I do NOT want to know about the appeal process?

Appeal notification is voluntary and provided only upon request. If you prefer not to receive information about the appeal process, you can inform your local district attorney's office victim advocate, DOJ VSU victim advocate, or your legal representation that you do not want to be notified.

## Referrals

VSU receives and responds to requests for assistance from crime victims throughout California. VSU Victim Advocates are dedicated to connecting victims to appropriate and relevant services at the local, state, and federal levels. Some of these agencies may include but are not limited to:

- Local District Attorney Victim Witness Assistance offices
- Local non-government victim services providers
- Sexual assault assistance centers
- Child abuse treatment centers
- Domestic violence assistance centers
- The California Department of Corrections and Rehabilitation's Office of Victims & Survivor Rights and Services website:

  cdcr.ca.gov/victim-services/
- California Victim Compensation Board website: victims.ca.gov/for-victims/
- Family Justice Centers
- California Courts: www.courts.ca.gov/courts.htm
- California Appellate Courts Self-Help Appellate Resource Center: selfhelp.appellate.courts.ca.gov/appeals-timeline/

## What is a conflict case?

In a situation where a local District Attorney's office faces a conflict of interest that prevents the office from prosecuting the case, the office may refer the case to the California Department of Justice for handling.

## Need more help?

Call us, or write us at:

**California Department of Justice**
**Victims' Services Unit**

1300 I Street
P.O. Box 944255
Sacramento, CA 95814

(877) 433-9069 (Toll-free)

oag.ca.gov/victimservices/contact

## Resources

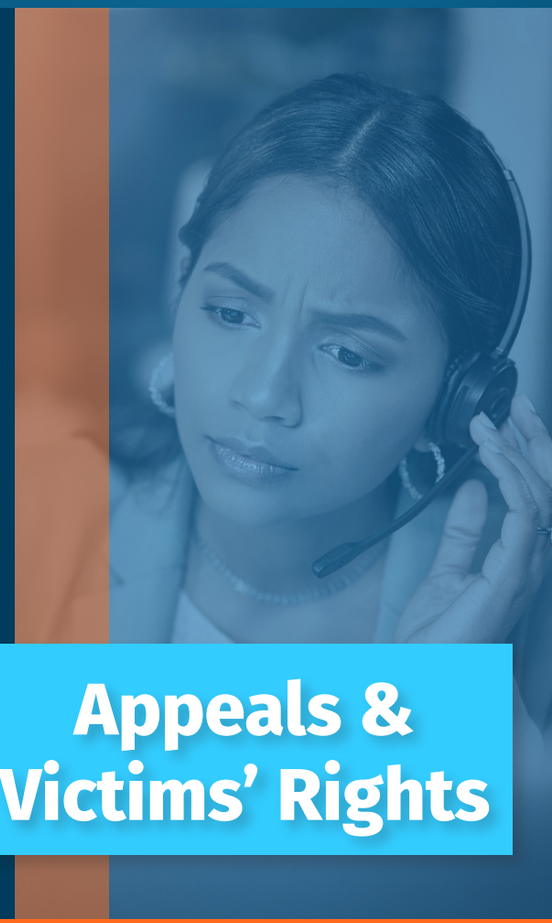
VSU publications for victims and support agencies include:

- Help for Victims of Crime
- Capital Case Guide
- Appeals & Victim's Rights

These materials and more information about VSU are available in print and online at:

**OAG.CA.GOV/VICTIMSERVICES**

CALIFORNIA
DEPARTMENT OF JUSTICE
VICTIMS' SERVICES UNIT



# Appeals & Victims' Rights

## What is an appeal?

An appeal is a defendant's request submitted to the Court of Appeals, a higher court, to review and reconsider a decision made by a lower trial court. Appeals request the higher court to overturn the original decision based on legal or procedural grounds. In California, any defendant convicted of a felony has the right to file an appeal. Oral arguments are heard by panels of three justices. These justices are typically assigned to cases randomly from the pool of justice in the appellate district.

## Is an appeal similar to a trial?

No, an appeal is different from a trial; there are no witnesses and no jury. Appeals happen after a trial and verdict, with a higher court reviewing the legal or procedural aspects of the original decision. In an appeal, judges review the case to ensure the trial was conducted fairly and in accordance with the law. They do not examine the evidence.

## How long will the appeal take?

After sentencing, the defendant has 60 days to file an appeal. When the defendant files an appeal, the California Department of Justice (DOJ) assigns a Deputy Attorney General (DAG) to represent the People and defend the lower court's decision or jury verdict.

The DAG and the defendant's attorney will prepare written arguments for the judges, a process that may take 6-9 months. Occasionally, attorneys present their case before the court in an oral argument. There is no deadline by which the court of appeal must set oral argument after it has been fully briefed, but once the case is submitted the court must rule in 90 days.

## Can I go to the oral argument?

Yes, oral arguments are open to the public, allowing victims and other individuals to attend and observe. However, before the oral argument, check with your victim advocate on rules and procedures of the court handling the appeal. There may be exceptions or restrictions based on the nature of the case or other factors, including attending virtually or in person.

## What can the judges decide after an appeal?

Appellate judges can make several decisions, including affirming the lower trial court's decision, modifying the decision, ordering a retrial, or even overturning the original decision. The outcome depends on the specific circumstances of the case and the legal arguments presented during the appeal process.

## What if the case is affirmed?

If the case is affirmed, it means the judges have decided to uphold the original decision of the lower trial court. This means there are no changes to the original conviction or sentence. The affirmation of the case doesn't necessarily mean the case concluded. The defendant can still request the judges to reconsider their decision (within 15 days of the decision), or pursue an appeal to the California Supreme Court (within 10 days after the appellate decision becomes final) or a federal court.

## What if the case is modified?

If the case is modified, the judges have opted to make changes to the original decision. Changes can involve altering aspects of the ruling, such as reducing or increasing the severity of the sentence, or making legal adjustments based on arguments presented during the appeal.

## What if the case is reversed?

If the case is reversed, it means the judges have decided to overturn the original decision of the lower trial court. This typically indicates a significant change in the legal outcome, and the case may be sent back to the lower trial court for reconsideration or a new trial.

## Can DOJ ask to have the judges' decision changed?

Yes. In some cases, DOJ may ask the judges to reconsider their decision, or, DOJ may appeal the decision in the California Supreme Court arguing the decision should be modified or reversed.

## Can I have a copy of the judges' decision?

Yes, generally, you can obtain a copy of the judge's decision. Court decisions are typically public record. You may need to contact the court clerk or check the court's website to find information on how to obtain a copy of the decision. Keep in mind that there may be certain procedures or fees associated with obtaining court documents.

You can also contact the DOJ's Victims' Services Unit (VSU) at victimservices@doj.ca.gov for additional information or assistance with obtaining a copy of the judge's decision.

## How can VSU help me?

A VSU victim advocate can often assist and support you through the appeal process, which can be confusing and frustrating. VSU victim advocates can provide information about any upcoming proceedings, help you understand your rights, keep you informed about case developments, guide you in accessing resources and services, and offer emotional support. If you need to speak to a VSU victim advocate, please contact us via phone toll–free at (877) 433-9069 or email at oag.ca.gov/victimservices/contact. You can also visit oag.ca.gov/victimservices for additional information on all the services provided by the Victims' Services Unit.

## How can I receive appeal updates?

To receive appeal updates, you can complete the Request for Criminal Appeal Notification with your local victim advocate after sentencing. The form can be downloaded and submited online at oag.ca.gov/victimservices/notification. Additionally, you can mail the Request for Criminal Appeal Notification form to 1300 I Street P.O. Box 944255, Sacramento, CA 95814. Staying in communication with victim advocates or legal representatives will ensure you receive timely updates on the status of the appeal.

CALIFORNIA DEPARTMENT OF JUSTICE

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If you are a victim of crime or the victim's next of kin, parent, guardian or family member, you have the right to be notified of the status and outcome of that crime appeal. The Attorney General's Victims' Services Unit can help you by providing this information and answer questions about the criminal justice proceedings.

If you want to be notified of the outcome of the criminal appeal, complete this form, place in envelope, and mail to:

**Victims' Services Unit** • California Attorney General's Office • 1300 I Street • Sacramento, CA 95814

**Request for Criminal Appeal Status** All Information Remains Confidential*

***Please Print or Type All Entries***

Defendant's Name: _____ Defendant's Date of Birth: _____

Crime: _____ County of Conviction (Required): _____ Court Case Number: _____

Date of Sentencing: _____

*Unless the court orders the release of this information