

Appeal process



What is an appeal? An appeal is the process that allows the losing party in a court trial to have the case re tried; typically, the defendant will allege and try to prove to the appellate court that their case was tried unfairly with one or more errors that rendered it fundamentally unconstitutional. In the federal courts, some decisions are subject to appeals with both parties at liberty to appeal in civil cases; however, the government is not allowed to appeal on a not-guilty verdict. Nonetheless, a guilty one may be contested by either party. Appeal is viable in a number of cases although some may require to be heard by separate appellate committees such as the appellate committee of bankrupt judges (Lawfirms. com, n. d.).

How do appeals factor into the overall criminal procedures and processes
A litigant wishing to appeal does it only on paper, and at the appeal, level there is no actual trial. The litigant will have to write down a brief explaining how the court erred in his sentencing, or how their constitutional rights may have been violated in the trial. The federal or state cause trying this case will review the brief and determine based on the submitted evidence if it is a legitimate cause for a retrial. In some cases, the appeal courts will require having an oral argument by the lawyers; this does not involve submission of any new evidence (Lawfirms. com, n. d.). While the appellate court has the legal mandate to review any facts pertaining to the trial, the review process is based on what was on record on the court. It can review the facts of the case, but cannot overturn decisions on factual grounds without categorical evidence of erroneous decisions.

How can we improve the appeals process?

Court decisions are not infallible since they are made by humans who are fallible and as such, it is crucial that people are given as the benefit of doubt

<https://assignbuster.com/appeal-process/>

for as long as possible and all loose ends tied up, this can only be achieved by an improved appeal process. Appeals are often long and tiresome processes, which have an incredible toll on the plaintiff and their families; one of the main causes for this is the shortage of appeal court judges. For an appeal to go through it must be heard by a panel of judges, and this is difficult if there are not enough to go round, another way of simplifying the appeal would be to make it possible for non-lawyers to appeal cases when they are not able to afford an attorney. This could be made possible by simplifying the legal and other requirements needed in the cause of pursuing the appeal.

BREWER v WILLIAMS, 430 U. S. 387 (1977)

Antony William was arrested and arraigned in for the murder of a ten-year-old girl, while being transported to jail. One of the officers' convinced him to show them, where the girl's body was buried, despite the fact, that he had been advised not to answer any questions before consulting his lawyers. This fact was used as evidence against him in the court and contributed to his being found guilty. He won an appeal on the basis that the evidence was unconstitutionally presented to the court, and he had not waived his right to silence. The trial was heard again under a new jury, which did not hear this evidence; nonetheless, he was still convicted and sentenced to serve a life sentence for the murder.

References

Legal information Institute. (1977). Brewer v. Williams Certiorari To The United States Court Of Appeals For The Eighth Circuit 430 U. S. 387.

Retrieved from http://www.law.cornell.edu/supct/html/historics/USSC_CR_0430_0387_ZS.html

<https://assignbuster.com/appeal-process/>

<https://assignbuster.com/appeal-process/>

LawFirms. com. (n. d.) How Appeals Work. Retrieved from

<http://www.lawfirms.com/resources/lawsuits-and-disputes/appeals/how-appeals-work.htm>

<https://assignbuster.com/appeal-process/>