

Essay on law and legal

[Law](#), [Criminal Justice](#)



Law is universal. It needs the keen understanding of the law in order to interpret it and be able to apply it in real life situation. It is essential to set the comparison of the direct appeals, and the post-conviction remedies. As stated it is crucial to understand the historical changes that will assist in finding post-conviction relief.

Post-conviction relief depicts a unique process in which there is civil remedy which is given by the Illinois' post conviction hearing act. They are civil in nature their basic and core reason is to challenge and points out errors in the court and during trials. It is crucial to often know the basic requirements for one to file a post conviction petition and appeal. The direct appeals are different from the post-conviction relief in terms of the legal requirements and the procedural stages that need to be met. In which an individual; could be heard. The process however depict the instance the defendants who are convicted of a crime can present their matters at the appellate courts their core right (Place, 2008). The rule of the writ of habeas corpus is not suspended. The individuals who commit a crime are subject to prosecution and the process follows the set jurisdiction. In the situations the court may lack the required jurisdiction to state a ruling upon the law breakers.

In addition the requirement of the post conviction relief entails for example individuals and the issues in which they are essential. There should be a standing, unlike the direct appeals the process of PCHA which required there imprisonment of an individual at the department of corrections for example in prison and jail the convict must be serving a given portion of punishment in order to challenge a post conviction (Bastiat, 2007). The defendant position is required to be heard. Another requirement is the essence of the

timelines, even though the individuals fulfill the standing requirement the individual is still required to file the petition in a timely manner. The historical coverage about the post conviction and the direct appeal need to be made in order researched extensively as they are referenced and a time they go with timer. The timeless requirement is often the crucial stage in which the process depicts the way the law and the legality of law is discipline (Place, 2008). To be specific the process of filing the appellate on time about three years on conviction tend to give sufficient time for the prosecution, defendant and the plaintiff to be heard. Finally following the constitutional issues, this concerns ensuring that the rule of law is followed it is important to point out the key issues that follow the rule of law. Often the constitution is minimal; to error, in which it will prevent the defended looking for a vis-à-vis on those that could be organized on a directly appeal.

The historical essence of the requirement of the post-conviction illustrates the under federal writ of habeas corpus under in which an individual is incarcerated and the challenges the way the judging valid. Later the court may decide to return the case and make it as a petition. In this way there is the illustration of the difference post-conviction relief and the direct appeal when a defendant files a conviction in the court during the trial.

Reference

Place, T. M., & Pennsylvania Bar Institute. (2008). *The Post Conviction Relief Act: Practice and procedure*. Mechanicsburg, Pa: Pennsylvania Bar Institute/PBI Press.

Bastiat, F., & Foundation for Economic Education, inc. (2007). *The law*. Irvington-on-Hudson, New York: Foundation for Economic Education.