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Lecture three: Methods of Appeal in Criminal Judgments



Addressed To Master one criminal Law Students-Semester 1

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Introduction

In the criminal justice system, the ability to challenge or appeal a judgment is essential to ensure fairness and justice. Appeals are a critical part of the legal process and allow a defendant or even the prosecution to contest the verdict or the punishment imposed by a lower court. This lesson explores the various methods available to challenge criminal judgments in both English and Arabic.

1. What are Appeals in Criminal Cases?

An appeal is a formal process by which a person who has been convicted of a crime (the appellant) requests a higher court (the appellate court) to review and potentially overturn or modify the judgment of a lower court. This can be done if the appellant believes that there was an error in the application of the law, in the assessment of facts, or in the procedure followed during the trial.

Appeals help ensure that the legal system is fair, that errors are corrected, and that justice is properly administered.

2. Types of Appeals in Criminal Cases

There are several methods to challenge a criminal conviction or sentence:

A. Appeal Against the Conviction (الطعن في الإدانة)

This is the most common type of appeal, where the defendant challenges the conviction itself, arguing that the decision of the trial court was incorrect.

Grounds for Appeal Against Conviction:

Errors of Law (أخطاء قانونية): If the trial court made mistakes in interpreting or applying the law.

Errors of Fact (أخطاء في الوقائع): When the court misinterprets the facts, leading to an incorrect verdict.

Insufficient Evidence (عدم كفاية الأدلة): The conviction may be appealed if the evidence presented was not enough to prove guilt beyond a reasonable doubt.

Violation of Rights (انتهاك الحقوق):

If the defendant's constitutional rights were violated during the trial process.

B. Appeal Against Sentence (الطعن في العقوبة)

In some cases, the defendant may not dispute their conviction but may appeal the severity of the sentence. This is particularly common when the sentence is considered excessively harsh or not in line with the law.

Grounds for Appeal Against Sentence:

Excessive Punishment (العقوبة المفرطة):

The defendant may argue that the sentence is disproportionate to the crime committed.

Mitigating Circumstances (الظروف المخففة):

The defendant may present new evidence or argue that the trial court did not consider mitigating circumstances.

C. Appeal Against Procedural Errors (الطعن في الأخطاء الإجرائية)

An appeal can also be made based on procedural errors that occurred during the trial. These errors might involve issues like improper admission of evidence, biased jury instructions, or mistakes in how the trial was conducted.

Common Procedural Errors:

Improper Admission of Evidence (قبول الأدلة غير القانونية):

When the court allows evidence that should have been excluded.

Bias or Prejudice in the Courtroom (التحيز في قاعة المحكمة):

When the trial process is not impartial.

D. Appeal for a New Trial (الطعن لإعادة المحاكمة)

In some cases, a defendant may request a new trial if new evidence emerges that could potentially exonerate them or change the outcome of the trial. This could include newly discovered evidence, a witness recanting their testimony, or the emergence of new legal precedents.

3. The Appeal Process

The process of appealing a criminal conviction or sentence typically follows these steps:

Notice of Appeal (إشعار بالطعن):

The appellant files a notice to the appellate court, stating their intention to challenge the judgment.

Filing of Appeal Grounds (تقديم أسباب الطعن):

The appellant submits the reasons for the appeal, outlining the errors they believe occurred during the trial.

Review of the Case (مراجعة القضية):

The appellate court will review the trial record, which includes transcripts, evidence, and all filings from the original case.

Appellate Court Decision (قرار محكمة الاستئناف):

After reviewing the case, the appellate court can:

Affirm the Conviction (تأييد الإدانة):

The original verdict stands.

Reverse the Conviction (إلغاء الإدانة):

The conviction is overturned.

Modify the Sentence (تعديل العقوبة):

The sentence may be reduced or altered.

Order a New Trial (إعادة المحاكمة):

A new trial may be ordered if the appellate court finds significant procedural errors or new evidence.

4. Time Limits for Appeals There are strict time limits for filing an appeal in criminal cases, typically ranging from a few weeks to a few months after the trial verdict. Failure to file an appeal within the time limits may result in the loss of the right to appeal.

Terminology

Appeal - الطعن

Conviction - الإدانة

Sentence - العقوبة

Appellant - الطاعن

Respondent - المستجيب

Appellate Court - محكمة الاستئناف

Grounds for Appeal - أسباب الطعن

Judgment - الحكم

Reversal - الإلغاء

Affirmation - التأييد

Modification - التعديل

New Trial - إعادة المحاكمة

Error of Law - خطأ قانوني

Error of Fact - خطأ في الوقائع

Procedural Error - خطأ إجرائي

Innocence - البراءة

Mitigating Circumstances - الظروف المخففة

Appeal Deadline - الموعد النهائي للطعن

Criminal Record - السجل الجنائي

Appeal Hearing - جلسة الطعن