

## The Criminal Appeals Process

### The Appeals Process

In our criminal justice system, while conviction and sentencing often mark the end of the trial phase in a criminal case, sometimes the case may be appealed. In Arizona, every person convicted of a felony may appeal. Defendants sentenced to death automatically have an appeal filed on their behalf.

The appeals process is different from the trial process in several ways:

- The majority of the arguments presented are made in writing rather than in open court;
- A panel of judges, rather than a judge and jury, consider and decide the case;
- Arguments relate to the defendant's rights during the prosecution of the case rather than the actual crime;
- Few, if any hearings are scheduled.

There are three avenues of appeal available to convicted criminals:

- A Direct Appeal
- A Petition for Post-Conviction Relief (PCR)
- A Petition for Writ of Habeas Corpus

The Attorney General usually represents the State in all felony and habeas proceedings. In PCR petitions the original prosecutor will represent the State.

It can take many years for a case to be fully resolved due to the number of steps involved and the complexity of the issues. Because of the slow pace, notifications about a case may be infrequent. **It is important that you keep the Attorney General's Office informed of any changes in your contact information to ensure that you receive all requested notifications.**

### Victim Services

Victims of crime committed in Arizona are entitled to be notified, *upon request*, of all appellate proceedings and their outcome.

Advocates with the Attorney General's Office of Victim Services are available to address any concerns or questions you have about the appeals process.

When the Attorney General's Office is notified that an appeal has been filed, an advocate will contact you if you have requested post-conviction notification. If an Oral Argument or Evidentiary Hearing is scheduled in your case, you will be notified of the date, time and location of the proceeding. An advocate can accompany you to the proceeding if you desire.

When a decision is issued by the appellate court you will receive a call or letter advising you of the decision and the advocate can provide you with a copy of the decision and answer any questions you may have.

## **Post-Conviction Notification Request (PCNR) Form**

The agency that prosecuted your case should provide you with the Post-Conviction Notification Request (PCNR) form, which you can fill out and send a copy to many different agencies to request your right to notification in post-conviction activities. **In order to receive any notification of post-conviction activities, you must opt-in using this PCNR form and keep your address up-to-date with each agency.**

## **Stay Informed**

If you wish, the advocates of the Attorney General's Office of Victim Services will notify you when an appeal is filed, if oral arguments or evidentiary hearings are scheduled, and when decisions are issued. **Be sure to keep your address up-to-date with each of the following agencies during the entire post-conviction stage of the case:**

- The prosecuting attorney's office that represented the State at trial
- Arizona Attorney General's Office of Victim Services - [www.azag.gov](http://www.azag.gov)
- Arizona Department of Corrections Victim Services – [www.azcorections.gov](http://www.azcorections.gov)
- Arizona Board of Executive Clemency - [www.boec.az.gov](http://www.boec.az.gov)