



# Appeals & Victims' Rights



For felony cases that do not involve the death penalty

**Victims' Services Unit**  
California Attorney General's Office



## The California Relay Service

For speech impaired, deaf or hard-of-hearing callers; Dial 711.

TTY/VCO/HCO to Voice for:

English: 1-800-735-2929  
Spanish: 1-800-855-3000

Voice to TTY/VCO/HCO for:

English: 1-800-735-2922  
Spanish: 1-800-855-3000

Speech to Speech-English and Spanish:  
1-800-854-7784

**Privacy Notice:** Collection and Use of Personal Information. The Victims' Services Unit (VSU) in the Department of Justice (DOJ) collects the information requested on this form as authorized by [Cal. Const., Art. I, § 28.]. VSU uses this information to identify victims for appeal notifications. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ general privacy policy is available at <http://oag.ca.gov/privacy-policy>. Providing Personal Information. All personal information requested must be provided. Access to Your Information. You may review the records maintained by VSU in the DOJ that contain your personal information, as permitted by the Information Practices Act. See below for contact information. Possible Disclosure of Personal Information. In order to provide appeal status notifications, we may need to share your information with the assigned DOJ attorney. The information you provide may also be disclosed in the following circumstances: in response to a Public Records Act request, as allowed by the Information Practices Act; to another government agency as required by state or federal law; in response to a court or administrative order, a subpoena, or a search warrant. Contact Information. For questions, contact VSU at 877-433-9069.

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

Some victims do not want to know about the appeal because it will remind them of the pain and trauma they experienced from the crime.

You are not required to receive updates regarding the appeal process. You will only receive an appeal status if you request it.

## Additional Resources

VSU publications for victims and service providers include:

- Helping Crime Victims get the services they need (discusses all VSU services)
- Capital Case Guide (for death penalty cases)
- Execution and Clemency (for death penalty cases)
- Marsy's Law cards in twenty languages

## Marsy's Law materials

These materials and more information about VSU are available in print or on-line at: <http://oag.ca.gov/victimservices>

## Need additional help?

Call, email or write us at:

Office of the Attorney General  
Victims' Services Unit  
1300 I Street  
P.O. Box 944255  
Sacramento, CA 95814  
(877) 433-9069 toll-free!  
e-mail: [victimservices@doj.ca.gov](mailto:victimservices@doj.ca.gov)

I am the:

Victim  
 Spouse

Parent of Victim  
 Guardian of Victim

Victim's Next of Kin  
 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: \_\_\_\_\_

Daytime Telephone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature of Requestor of Victim/Witness Advocate

Date



## What is an appeal?

An appeal is when the defendant asks a higher court (court of appeal) to decide if he or she received a fair trial. In California, any defendant convicted of a felony has the right to file an appeal.

## Is an appeal similar to a trial?

No. An appeal is different than a trial. There are no witnesses and no jury. The lawyers present their cases (mostly in writing) to a panel of judges. The judges will decide if the defendant received a fair trial or not. They will not reconsider what happened during the crime.

## How long will the appeal take?

The defendant has 60 days after sentencing to file an appeal. If the defendant appeals, then the Attorney General's Office will assign a lawyer (Deputy Attorney General) to defend against the appeal.

The Deputy Attorney General and the defendant's attorney will prepare written arguments for the judges. This may take 6-9 months. In some cases, there is an oral argument where the lawyers have the opportunity to present their arguments before the court.

The judges then take approximately 90 days to prepare a written decision on the case. The entire process can take approximately 18 months or more.

## Can I go to the oral argument?

While some cases may have an oral argument, most appeals do not have one. If you are interested

in attending the oral argument, contact the Attorney General's Victims' Services Unit. We will inform you if there is an oral argument scheduled and the location of the court.

## What can the judges decide?

The judges can decide to affirm, modify or reverse the previous decision.

## What if the case is affirmed?

If the judges decide to affirm, this means they agree with the original decision, and there is no change to the conviction or sentence.

This does not necessarily mean the case is over. The defendant may ask the judges to reconsider their decision or can appeal to the California Supreme Court or a federal court.

For more information on California Courts, visit website <http://www.courts.ca.gov/courts.htm>

## What if the case is modified?

This means the judges have changed a part of the conviction or sentence. If this happens, then it goes back to the trial court for a new trial or modification of the sentence.

## What if the case is reversed?

This means the judges have decided to reverse the original conviction or sentence. They may send the case back to the original trial court for a new trial (called a retrial). The prosecutor may decide not to retry the case. This means the case is over, and there will be no new trial.

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

Upon your request, we can send you a copy of the judges' affirmation, modification or reversal of the case.

## Can the Attorney General's Office ask to have the judges' decision changed?

Yes. In some cases, the Attorney General's Office may ask the judges to reconsider their decision. Or, the Attorney General's Office may appeal to the California Supreme Court.

## Can the Attorney General's Victims' Services Unit (VSU) help me?

Yes. Our goal is to support and serve victims and survivors of crime. Appeals can be confusing and frustrating.

VSU will track your case and inform you about the status of the appeal. We will let you know if there is an oral argument scheduled and what issues the court will be addressing. Additionally, we will notify you when the court has reached a decision. We can also assist you with any questions or concerns you may have.

## How can I receive appeal updates?

After the defendant is sentenced, fill out a Victim Notification form, which is attached to the last page of this brochure. If you have questions about filling out the Victim Notification form or would like additional copies, you can directly contact VSU by phone at (877) 433-9069 (toll-free) to speak to an advocate, email us at [victimservices@doj.ca.gov](mailto:victimservices@doj.ca.gov) or visit our VSU website at: <http://oag.ca.gov/victimservices>



DEPARTMENT OF JUSTICE • STATE OF CALIFORNIA  
JUS 8838B (Orig. 9/03; Rev. 02/2012)

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