

# Florida Statutes

Pursuant to Florida Statute 960.001, the Office of the Attorney General provides victim services at the appellate level.

These services include notification to victims of the right to be present at relevant proceedings, accompaniment to court proceedings, explanation of the victim's role in the criminal justice process, and explanation of the court's decisions.



# Contact Information

For more information about the criminal appeals process or about a specific appeal, please contact us at:

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## A GUIDE TO FLORIDA CRIME VICTIMS' RIGHTS IN THE CRIMINAL APPEALS PROCESS

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# What is a Criminal Appeal?

The Constitutions of the United States and Florida provide defendants the right to appeal.

A criminal appeal is the request to review a case for legal errors.

Appeals are not trials and are not intended to give a defendant an opportunity to reargue the facts of his or her case.

No new evidence or testimony is presented.

**Appellant:** The person who files the appeal and is challenging a judgment entered by the trial court. The defendant is often the appellant.

**Appellee:** The person who is trying to have the judgment of the trial court upheld. The State of Florida, represented by the Office of the Attorney General, is often the appellee.

**Appellate Victim Advocate:** Designee of the Office of the Attorney General who works to keep victims or their lawful representatives, upon request, informed throughout the criminal appeals process. This includes, but is not limited to, explaining the victim's role in the appeals process and notification of decisions made by the court.

Victims of crime or their lawful representatives have the right to be informed, present, and heard, when relevant, throughout the criminal justice process.



# Florida's Appellate Process

The below steps reference the most common criminal appeals process and may vary depending on the situation.

## STEP 1: Notice of Appeal

The first step in appealing a trial court decision is to file a Notice of Appeal with a Florida District Court of Appeal.

## STEP 2: Preparation of the Record

The trial court will prepare the record of the proceedings for the District Court of Appeal.

## STEP 3: Submission of Briefs

**Initial Brief:** This is the Appellant's opportunity to explain why the trial court was wrong by making legal arguments supported by the trial record.

**Answer Brief:** This is the Appellee's opportunity to respond to the initial brief and provide legal reasons why the trial court's decision should stand.

**Reply Brief:** The Appellant is provided an opportunity to reply to the Appellee's answer brief.

## STEP 4: Oral Arguments

In some cases, the District Court of Appeal will hold oral arguments. During Oral Arguments, the Appellant and Appellee each get a limited amount of time to argue their legal position before a panel of judges. An immediate decision will not be issued.

## STEP 5: Appeals Court Decision

The District Court of Appeal will review the trial record and legal briefs and issue its decision in writing.

# FREQUENTLY ASKED QUESTIONS

## Will the defendant be released from jail or prison during the appeal?

Not generally, however in rare cases, the offender may be released on bond pending the appeal.

## Can I give a victim impact statement in an appeal?

Unfortunately, no. The appellate court examines the trial record for legal errors.

## May I attend the Oral Argument?

Victims and/or their lawful representatives have the right to be notified of and attend Oral Arguments. However, many oral arguments are held virtually and can be viewed on the court's website.

## How long will it take for the appellate court to issue a decision?

There is no set time limit for the Court to issue a decision. Filing dates are often extended due to the volume of work.

## Once the appeal has been decided and mandated, can the defendant continue to file appeals?

The appellant might seek additional review of his or her case through the filing of post-conviction motions.

## Can I track the status of the appeal on my own?

The Appellate Case Information System allows users to search court dockets and available case documents in all of Florida's appellate courts via [acis.flcourts.gov](http://acis.flcourts.gov).