

CRIMINAL APPEALS PROCESS

Once a defendant has been convicted and sentenced in the county trial court, he has two primary ways in which he can attack that conviction and/or sentence in the state appellate courts. These proceedings are described below. In both of these proceedings, except for the post-conviction proceedings in the county trial court of conviction, the state is represented by the Tennessee Attorney General's office.

DIRECT APPEAL

In a direct appeal, a defendant files a brief in the Court of Criminal Appeals setting forth the errors he believes occurred during his trial and/or sentencing hearing. A defense attorney may request oral argument on the case. An attorney from the Criminal Justice Division of the Attorney General's Office then files a responsive brief and argues on behalf of the State. Once a case has been submitted to the Court of Criminal Appeals—either on briefs or presented through oral argument—a three-judge panel of the Court of Criminal Appeals will issue an opinion after reviewing both briefs and the trial court record.

After a decision is issued by the Court of Criminal Appeals, either side may request permission to appeal the decision to the Tennessee Supreme Court. If the Supreme Court grants permission to appeal, attorneys for both sides will submit briefs to the court, and oral argument will be scheduled. If permission to appeal is denied, the decision by the Court of Criminal Appeals is the final decision in the direct appeal.

POST-CONVICTION PETITION

Within one year either of the defendant losing his direct appeal or his conviction becoming final if he files no direct appeal, a defendant may file a petition for post-conviction relief in the county trial court of conviction. In this petition, the defendant is limited to making allegations of constitutional error that he contends occurred during the trial and/or sentencing hearing. Post-

conviction petitions are handled, at the trial court level, by the local district attorney general's office.

If post-conviction relief is denied, a defendant may appeal that denial to the Court of Criminal Appeals. Just as in direct appeal cases, if the defendant loses in the Court of Criminal Appeals, he may seek permission to appeal to the Tennessee Supreme Court.

OTHER COLLATERAL ATTACKS

There are other potential collateral attacks a defendant can file seeking relief from his conviction and/or sentence in the state courts. Additionally, once a defendant's conviction and sentence have been affirmed in the state appellate courts, a defendant can file a petition for writ of habeas corpus in the federal district court. A defendant can only obtain federal habeas corpus relief if he can show a violation of a federal constitutional right. If the district court denies relief, a defendant may request a certificate of appealability to appeal that denial to the United States Court of Appeals for the Sixth Circuit. This office handles these other types of collateral appeals as well and will notify you, at your request, if any of these proceedings grant the defendant relief either from his conviction or sentence.

The Attorney General is in a real sense the lawyer for every citizen in the state, asserting the people's rights under the constitution and the laws and protecting them from those who would violate those rights. Through our vigorous prosecution of criminal cases in the appellate courts, this office continues the pursuit of justice on behalf of victims whose rights have been violated by the criminal acts of others. My staff and I are committed to providing appellate information and assistance to crime victims with compassion and respect.



Attorney General
Robert E. Cooper, Jr.

REQUEST FOR NOTIFICATION

If you would like to be kept informed of the defendant's appeals, please fill out the card below and send it to Victim Information Services.

Name:
Address:
City/State/Zip:
Telephone Numbers Home: () Work: ()
E-mail Address:
Name of Victim(s):
Relation to Victim(s):

Defendant's Name:
Convicted of:
County of Conviction:

VICTIM INFORMATION SERVICES
CRIMINAL JUSTICE DIVISION
P.O. BOX 20207
NASHVILLE, TN 37202
615/532-1971
WWW.ATTORNEYGENERAL.STATE.TN.US

STATE APPELLATE COURTS

Appellate courts do not conduct trials. Rather, the courts review records from lower courts, with attorneys for both the State and defendant presenting legal positions regarding the issues raised in the appeal.

There are twelve judges on the Tennessee Court of Criminal Appeals. Each month, panels of three judges hold court in the Supreme Court Buildings in each of the three grand divisions of Tennessee:
Jackson, Nashville and Knoxville.

As the highest state court, the Tennessee Supreme Court's five justices consider appeals from state courts, interpreting the laws and Constitution of Tennessee. Unlike the Court of Criminal Appeals, review of appeals to the Supreme Court is granted or denied at the discretion of the Court. The only exception to this discretionary review is in capital cases, where a defendant's conviction and death sentence are automatically reviewed by the Supreme Court.

The Supreme Court sits in Jackson in April and November; in Nashville in February, June, and October; and in Knoxville in January, May, and September of each year. Like the Court of Criminal Appeals, the Supreme Court conducts court in Jackson, Nashville and Knoxville at the following locations:

No. 6 Hwy. 45 By-Pass, Jackson, Tennessee

401 Seventh Avenue North, Nashville, Tennessee

505 Main Street, Suite 200, Knoxville, Tennessee

Both the Tennessee Court of Criminal Appeals and the Tennessee Supreme Court may meet at other locations as necessary. Additional information about Tennessee Appellate Courts, including opinions, is available at www.tncourts.gov.

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STATE OF TENNESSEE



ROBERT E. COOPER, JR.

ATTORNEY GENERAL AND REPORTER

VICTIM INFORMATION SERVICES
CRIMINAL JUSTICE DIVISION

P.O. Box 20207

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