

WISCONSIN DEPARTMENT OF JUSTICE - OFFICE OF CRIME VICTIM SERVICES

HOW CAN YOU BE NOTIFIED OF AN APPEAL?

District Attorneys, county victim/witness coordinators and the Wisconsin Department of Justice work together to ensure that a victim wanting information about the status of his or her case is notified.

If the case you were involved in is being appealed, you will be notified by the District Attorney's office and provided a Victim Appellate Notification (VANS) Card.

To be notified of the status of the appeal, YOU MUST BE REGISTERED in VANS.

To register, complete a VANS Card and return it to the Department of Justice's Office of Crime Victim Services. Victims are responsible for informing the county and state agencies of any change of address.

After you have registered for VANS, you may contact the Department of Justice's Office of Crime Victim Services with questions about the status of an appeal. You will be notified of the outcome of an appeal by a Victim Services Specialist.

WHAT HAPPENS NEXT?

The issues on appeal are technical and usually do not question the defendant's guilt, but rather the procedures used in the court process. For example, there may be questions about whether or not the judge should have allowed certain evidence to be presented.

First, the Attorney General's Office will receive an appellate brief from the defendant/appellant indicating that the case you were involved in is being appealed.

Next, an Assistant Attorney General will respond to the brief and address any legal issues raised by the defendant/appellant.

The appellate court will review these briefs and the circuit court record, a process that typically takes many months, before releasing a decision on the appeal.

The final appellate court decision will do any of the following:

- Agree with the lower court and uphold the previous decision;
- Disagree with the lower court and overrule the previous decision; or
- Agree in part, disagree in part and send the case back for the lower court to resolve certain questions.

WILL YOU HAVE TO TESTIFY?

In reviewing the case, the appellate court only considers the written record of what occurred at the trial court. No new evidence or testimony is given. **Victims do not have to testify during an appeal.**

Oral arguments are ordered in a small number of cases. An oral argument is a short opportunity for each party's attorney to persuade the court and answer any questions. The argument, which usually lasts about an hour, will generally cover procedural and technical matters.

Oral arguments are open to the public, and the defendant is rarely present.

If an appeal is scheduled for an oral argument, victims are welcome to attend and plans can be made if you would like a victim services professional to accompany you.

Victims will not be able to address the court during an oral argument.

WHAT IS AN APPEAL?

An **appeal** is a procedure through which the losing party in the circuit court seeks to have that court's judgment or order overturned by a higher court because of some alleged error in the proceedings.

Generally, the issues raised on appeal involve complex interpretations of the law.

Occasionally, appeals involve questions of fact - what actually happened - but this does not often occur because appellate courts usually rely on the factual determinations that the circuit court or jury has already made.

The final appellate court decision will do any of the following:

- (1) affirm;
- (2) reverse; or
- (3) modify a judgment or order of the lower court

Sometimes a criminal conviction will be terminated if the judgment or order is reversed, but usually the case will be sent back to the circuit court for further proceedings.

Should an appellant lose in the Court of Appeals, he or she can petition the Wisconsin Supreme Court to review the case. The Wisconsin Supreme Court reviews approximately ten percent of all cases petitioned.



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WISCONSIN DEPARTMENT OF JUSTICE OFFICE OF CRIME VICTIM SERVICES

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Victims call toll-free: 1-800-446-6564
Others: 608-264-9497
TTY: 800-947-3529
Fax: 608-264-6368

MILWAUKEE

State Office Building
819 North Sixth Street, Room 180
Milwaukee, WI 53203
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VISIT US ONLINE AT:

www.doj.state.wi.us/ocvs

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WISCONSIN DEPARTMENT OF JUSTICE
ATTORNEY GENERAL BRAD D. SCHIMEL

VICTIM APPELLATE NOTIFICATION SERVICES



OFFICE OF CRIME VICTIM SERVICES

*JUSTICE ISN'T SERVED
UNTIL CRIME VICTIMS ARE*