

Appeals Attorney Advises Getting To The Right Court House

Criminal Appeals in New York

New York State has a number of appellate courts. If you have been convicted of a crime, knowing which of these appellate courts will have jurisdiction to hear your case is the first essential step to a successful appeal. Contacting the right appeals lawyer to guide you through the system is critical. What follows is a very basic outline of the New York Appellate Court system. For in depth information you should contact an appellate attorney.

The Three Tier System of Courts In New York

New York State has a three tier system. In the first tier, or lower tier, are the various trial courts. The middle tier of appellate courts, or intermediate appellate courts consists of the Appellate Divisions, Appellate Terms and the various Judicial Districts. The highest court in New York is the New York Court of Appeals.

The Trial Level For Criminal Cases In New York

The Trial Courts for criminal cases include the courts that have jurisdiction over misdemeanor cases and those that have jurisdiction over felony cases. In New York City misdemeanors are mainly tried in the Criminal Courts of the various boroughs. Those that handle felony cases in New York City are the Supreme Courts Criminal Term.

Outside of New York City there are various trial courts that handle misdemeanor cases such as District Courts and Village Justice Courts depending on the County where you are located. Felony cases outside New York City can be handled by either County Courts or Supreme Courts Criminal Term.

Each of these trial courts has a designated appellate court where any case can be appealed to.

Criminal Appeals of Felony Convictions: The Four Departments of the Appellate Division

The appeal of any felony case, whether from a Supreme Court Criminal Term or a County Court outside of New York City, must be appealed to one of the four Departments of the Appellate Division.

New York State is divided geographically into four departments of the Appellate Division: the First Department, Second Department, Third Department and Fourth Department.

The First Department Handles all criminal appeals coming from trial courts in Manhattan and the Bronx. The Second Department handles criminal appeals from Staten Island, Brooklyn, Queens, Nassau, Suffolk, Westchester, Orange, Putnam, Rockland, and Dutchess Counties. The Third Department handles all criminal appeals from the Eastern Counties in New York State and The Fourth Department handles those criminal appeals coming from the Western Counties of New York.

Each of these Departments has its own distinct rules with regard to criminal appeals and time frames, methods of appeal, organization of briefs and oral argument.

Depending on the Department in which you file your appeal, the case will be heard by either a four or five Judge panel that is assigned to each criminal appeal.

These judges are responsible for reviewing the briefs, the record on appeal and participating in oral argument. They will decide the legal issues on the appeal and render a written decision or opinion.

Criminal Appeals of Misdemeanor Cases: The Appellate Terms And The Various Judicial Districts

In the First and Second Departments there are appellate courts known as the Appellate Terms that hear all criminal appeals that originate in either the Criminal Courts of New York City or from the District Courts, Town and Village Courts outside of New York City. The Third and Fourth Departments are further divided into Judicial Districts numbered Three through Eight where the County Court in any particular County will hear the appeals coming from any City, Town or Village Court.

The New York Court of Appeals: The Court of Last Resort

The highest court in New York State is the New York Court of Appeals located in Albany, New York. This Court decides the law for the entire State of New York. It consists of a seven judge panel. The Court of Appeals is one of the most influential State Appellate Courts in the Nation. A number of its members have gone on to become U.S. Supreme Court judges.

The Court of Appeals hears criminal appeals mainly by granting permission to the appellant and in some rare instances the appellant will have the right to an appeal to the Court of Appeals. (The distinction for appeals by permission and appeals as of right to the Court of Appeals will be the subject of another article.) It is a very rare instance, indeed, to be granted permission to appeal to the Court of Appeals and the overwhelming majority of requests to the Court of Appeals are denied.

Conclusion

New York has a rather complex system of appellate courts and it is critical to know which of these is the correct court for filing an appeal. This article was intended to give a very basic overview of that system. For in depth information contact an attorney that regularly practices in the area of appeals.

To learn more about Appeals Lawyers in New York call 212-300-3845 or visit

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