

## **Abstract**

The thesis is devoted to the issues associated with an extraordinary appeal in criminal proceedings. An extraordinary appeal is an extraordinary remedial measure by which final decision of the court may be contested if the court decided in the second instance and the law permits it.

The chapter seventeen of the Rules of Criminal Procedure consists of 18 sections which represent the main source of law to this extraordinary remedial measure. The thesis focuses on their analysis while taking the literature and case law into account. Therefore, the paper aims to point out the problematic aspects of corresponding sections and case law that determine the conditions by which an extraordinary appeal may be lodged and processed. Naturally, the paper also seeks to convey the ideas of solving the particular problems in which its readers have been introduced in the thesis. Brief comparison to the rest of the remedial measures contained in the Rules of Criminal Procedure is also presented.

The thesis consists of the introduction, nine individual chapters and the conclusion. The individual chapters are divided into subsections to make the content of the paper easier to be oriented within.

The first chapter deals with the conditions of admissibility of an extraordinary appeal. The term decision on the merits is thoroughly explained in this part. Brief analysis of admissibility of an extraordinary appeal in terms of time competency of the law is also contained within this chapter. The second chapter includes analysis of the grounds for extraordinary appeal. The grounds whose interpretation by case law can still be considered questionable to some extent are described in the most detail in the paper.

The third chapter is devoted to the entitled persons. The main focus of this part of the thesis lies in analysis of lodging an extraordinary appeal by the accused. The paper also deals with the possibility of granting more subjects the position of an entitled person. The fourth chapter introduces the reader to the deadline and place of submission of an extraordinary appeal. The issues connected with lodging an extraordinary appeal in the form of an empty transcript is explained in this part of the paper. Since the deadline for filling an extraordinary appeal is also maintained if it was filled at the different court than the court that decided on

the matter in first instance, the analysis of problematic aspects of this specific rule is also contained.

The fifth chapter represents brief explanation of contents of an extraordinary appeal and its direct impact on the extent of the examination of contested decisions. The sixth chapter takes the right of the entitled person to withdraw their extraordinary appeal into account. Therefore, it aims at analysis of aspects of this matter that still remain problematic. For this reason, the most attention is given to the withdrawal of an extraordinary appeal that has been lodged by the Supreme Public Prosecutor.

The seventh chapter deals with the problematic aspects of proceedings in the Supreme Court. Analysis of proceedings before the court of appeal and proceedings after the order of a matter is also included. Next, the paper deals with the forms of the hearing of an extraordinary appeal. Some of the principles of the proceedings are also subject to polemic in this part of the thesis. And finally, it is also devoted to some of the actions and supplementations that the Supreme Court performs during the proceedings.

The eighth chapter offers analysis of all possible kinds of the decision of extraordinary appeal made by the Supreme Court. First, extraordinary appeals that were rejected or dismissed are described in this part of the thesis which means that contested decisions remained intact after such decision. The Supreme Court may also find that the filled extraordinary appeal is justified. A form of its decision that may follow in such case is a subject of the next part of the paper. Finally, it is concluded by possibility of appeal against the decision on the extraordinary appeal.

The ninth and final chapter then sums up the proposals *de lege ferenda* that have been proposed in the previous chapters of the thesis.