

# APPELS IN CRIMINAL PROCEEDINGS

## ABSTRACT

The goal of this Diploma thesis is to analyse the legal regulation of appeals in criminal proceedings and the issue of this regular remedial measure in general. Author's goal is to present readers with the historical genesis of the institution of appeal since early feudalism until the adoption of current Criminal Procedure Code, considering the most important amendments of this law, and to put the intrastate legal regulation into the context of international law and embedment of the right of appeal in criminal proceedings in international treaties. The author also aims to explain appeal as regular remedial measure together with other remedial measures in Criminal Procedure Code and to introduce basic and specific principles, that impact the legal regulation.

In the main chapter the recent regulation of appeals in Criminal Procedure Code is critically analysed. The author further deals with the admissibility and effects of the appeal, by all parties that are legitimate to appeal, the time limit, place and means of filling it, while listing practical examples of abnegation of the right to appeal to a higher court and withdrawal of the appeal, content requirements and possible problems in practice, the operation of the court of first instance after appealing, and also the proceedings of the appellate court and legal boundaries of its decision – all of it commented from the critical point of view of the author, experts of criminal law theory and respective judicature of Czech and supranational courts.

In the frame of comparative jurisprudence our legislation was compared with Slovak legislation after its recodification in 2005. At the end of the thesis the recent legal regulation is assessed from the point of view of the author, several commentaries about the gravest practical difficulties of this regulation including ideas *de lege ferenda* are presented – drafts that might eliminate or erase the problematic parts in the expected recodification of criminal procedure.

**Key words:** appeals, criminal trial, remedial measure