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A. Do I have the right to appeal the court's decision?

A defendant may appeal to a higher court against any court decision to convict. In the case of judgments by district courts and by single judges in regional courts, a full appeal may be lodged. Its purpose is to challenge both the verdict of guilty and the decision on the sentence. In these proceedings, you may also request that new evidence be taken, or you may present new evidence.

In the case of judgments by lay judges' courts or jury courts, you may only appeal against the sentence, but not the verdict of guilty. These judgments may only be challenged by an appeal for invalidity, in which you may claim errors in procedure in the grounds for the decision and errors in law.

You cannot challenge the judge's assessment of the evidence. No new evidence may be entered.

You must announce your intention to appeal against a judgment either immediately, when the judgment is pronounced, or within a maximum of three days. The court will then issue the judgment in writing and serve it upon you or your defence counsel. Your counsel must then file the appeal in writing within four weeks.

The prosecution has the same right of appeal.

B. What other recourse options do I have?

A defendant may appeal to a higher court against any court decision to convict. In the case of judgments by district courts and by single judges in regional courts, a full appeal may be lodged. Its purpose is to challenge both the verdict of guilty and the decision on the sentence. In these proceedings, you may also request that new evidence be taken or you may present new evidence.

In the case of judgments by lay judges' courts or jury courts, you may only appeal against the sentence but not the verdict of guilty. These judgments may only be challenged by an appeal for invalidity, in which you may claim errors in procedure in the reason for the decision and errors in law.

C. What are the consequences if I am sentenced?

i. Criminal record

The Federal Police Directorate in Vienna maintains a criminal register for the whole of Austria. It contains, in particular, the following information:

- all final convictions by Austrian criminal courts;
- all final convictions by foreign courts of foreign nationals and such persons who are domiciled or resident in Austria; as well as
- all decisions by national and foreign criminal courts relating to these convictions.

No appeal is possible against entries in the criminal register. Depending on the seriousness of the crime, entries in the criminal register are deleted after a certain period of time.

v. Execution of sentence, transfer of prisoners

It is possible to serve your sentence in your home country if you so wish or if you agree. You will find the applicable

rules in the Convention on the Transfer of Sentenced Persons (in particular Article 3).

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