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4 - My rights after the court has made its decision

Can I appeal the judgment?

You have the right to appeal the judgment. You can appeal both your conviction and the sentence. You have the right to appeal the entire judgment or part of it.

How do I appeal?

You must inform the court which convicted you that you wish to lodge an appeal. You must do that in writing within 7 days of the court decision being made public. This can also be done by fax.

The appeal is to be presented to the court which made the judgment within 15 days of the date when you first got the opportunity to review the judgment. The appeal is to be made in writing and sent to the court by mail or by fax. Appeals drawn up by the Prosecutor's Office and the legal counsel are also sent to the court electronically.

The court which issued the judgment sends the appeal and the criminal file to the [district court#_ftn1](#).

What happens if I appeal?

If you appeal, the initial judgment will not be enforced until the district court has made its decision. If you have been arrested before the judgment is made, or after that, you will not be released on the basis that you have appealed. You can be kept under arrest until a decision is made on the appeal. There is no time limit set by law for consideration of the appeal, but it must be carried out within a reasonable time.

Can I present new evidence for my appeal? What conditions apply?

You have the right to present new evidence on appeal, if you have a valid reason for not having presented this evidence before.

What happens at the hearing in the court of appeal?

At the hearing in the district court the arguments raised in the appeal will be considered. If you do not appear in court, the district court can consider the appeal without your participation. Having considered the appeal, the district court can:

- dismiss the appeal;
- amend the judgment of the court of first instance or make a new judgment;
- annul the judgment of the court of first instance and terminate the criminal proceedings;
- annul the judgment of the court of first instance and send the case back there to be reconsidered.

Is a further appeal possible if the first appeal fails?

It is possible to submit an appeal in cassation against the decision of the district court to the [Supreme Court.#_ftn2](#) An appeal in cassation can be submitted only through a lawyer.

If you wish to make an appeal in cassation, you must inform the district court within seven days of the appeal decision being made public.

The appeal in cassation itself must be presented within 30 days of the day when you first had the opportunity to review the decision of the district court. The appeal in cassation is presented to the Supreme Court through the district court which made the appeal decision.

The Supreme Court has the right to decide whether to hear the appeal in cassation or not. If the court refuses the cassation procedure, no reason need be given.

When is the conviction final?

The conviction becomes final when the judgment enters into force. This happens when the time limit for lodging an appeal or an appeal in cassation has lapsed. In the case of an appeal in cassation, the judgment will enter force if the Supreme Court has either refused the cassation procedure or made a decision in the case.

If my appeal is successful, will there be a record of the conviction?

Your conviction will only be recorded in the punishment register if it is enforced. If the Supreme Court annuls the decision of the court which convicted you, the conviction is not recorded in the punishment register.

If the first decision was wrong, will I get any compensation?

You have the right to compensation for the harm caused to you if you are deprived of your freedom without reason. You can apply for compensation by writing to the [Ministry of Finance](#) within 6 months of the entry into force of your acquittal or the ruling which brings the criminal proceedings to an end.

The amount of compensation is fixed and equals 7 times the minimum daily salary in force in the Republic of Estonia for every day spent under arrest. In addition, you have the right to demand that the state reimburse the money that you paid to your lawyer.

I am from another country. Can I be sent back there after the trial?

If you are a foreign citizen, living legally in Estonia, and you have been convicted of an intentional crime and sentenced to prison, the court may, as an additional punishment, decide to expel you from Estonia and prohibit you from entering Estonia for 10 years. Since expulsion from Estonia is also a punishment, you have the right to appeal it.

If you do not have the right to live in Estonia, your expulsion from Estonia takes place automatically without a court decision. You have the right to challenge your expulsion by lodging a complaint with the [Administrative Court](#). The fact that you have challenged your expulsion will not postpone it for the duration of the court procedure.

I was convicted; can a new trial be brought against me on the same charges?

If you are convicted, a new trial cannot be brought against you on the same charges.

Will information about my conviction be registered and how will this information be stored?

Information about your conviction is entered in the [punishment register](#). The register is kept by the [Ministry of Justice](#) and is administered by the [Centre of Registers and Information Systems](#). The information entered in the register is public, except in cases specified by law.

The information can be forwarded to foreign government bodies if so permitted by international agreements. The information about your punishment is kept without your consent. The data will be deleted after the expiry period provided by law (1–15 years from serving the sentence depending on the severity of the offence).

Related links

[Code of Criminal Procedure#_ftn3](#)

[Code of Criminal Procedure in English \(may not contain all the amendments\)#_ftn4](#)

[Punishment Register Act](#)

[Punishment Register Act in English \(may not contain all the amendments\)#_ftn6](#)

[Compensation for Damage Caused by State to Person by Unjust Deprivation of Liberty Act#_ftn7](#)

[Compensation for Damage Caused by State to Person by Unjust Deprivation of Liberty Act in English \(may not contain all the amendments\)#_ftn8](#)

[Obligation to Leave and Prohibition on Entry Act#_ftn9](#)

[Obligation to Leave and Prohibition on Entry Act in English \(may not contain all the amendments\)](#)

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