

4 - My rights after the court makes its decision

Can I appeal?

Having found you “guilty” or “not guilty”, the court will issue a verdict which you will know at the end of the trial. [The Criminal Procedure Code](#) says when the court can dismiss a criminal case without issuing a verdict. Then the court makes a ruling. You can appeal against both the verdict and ruling.

The appeal must be in writing and bear your signature. It is submitted through the court of first instance to the court of appeal. If the first instance is a district court, the court of appeal will be a regional court. Verdicts and rulings of a regional court are appealed before an appellate court. More about courts see on the [Supreme Judicial Council](#) website. Appeals against verdicts are filed within 15 days from the date they are pronounced, rulings – within 7 days from the day they are made known.

In the appeal, you can complain about conclusions of the court concerning facts it found proven, application of relevant laws and unfair penalty. No matter how many, and what complaints are made, the court of appeal will decide whether the entire verdict is correct or not.

What happens if I appeal?

[measure to prevent evasion of prosecution](#)

There is no deadline for the court of appeal to set a hearing date. That depends on when the reasons for the verdict can be prepared and on the court of appeal’s workload.

You can produce new evidence to the court of appeal because that court can find new facts. The rules of proof valid for the first instance trial apply here too.

What happens at the appeal hearing?

You can, but do not have to, attend the hearing. You and your lawyer can make an oral statement on the complaints in the appeal. The other parties present can say what they think of the appeal.

The court of appeal may:

- decide to reverse the verdict and refer the case for re- examination by the prosecutor or the court of first instance.
- reverse the verdict of the court of first instance and issue a new verdict.
- decide to change the verdict, to a lighter sentence.
- decide to reverse the verdict and dismiss the criminal proceedings.
- suspend the criminal proceedings in the cases provided for in the [Criminal Procedure Code](#)
- decide to confirm the verdict of the court of first instance.

What happens if the appeal is successful/unsuccessful?

If you are not happy with the verdict or decision of an appellate court, you can appeal before the Supreme Court of Cassation. If the court of appeal is a regional court, you can file an appeal to the Supreme Court of Cassation only if the regional court has issued a new verdict.

The Supreme Court of Cassation does not find new facts and therefore does not admit new evidence. That court

can only say whether the laws have been applied correctly and the penalty imposed is fair. The Supreme Court of Cassation will consider only the complaints set out in the appeal to it.

You are entitled to compensation only when your conviction is overturned and a court of appeal issues a new verdict of “not guilty”. For more details, see the special compensation act [here](#). If, in spite of the appeal, the conviction remains, even with a lighter sentence, it will appear on your criminal record. A verdict of acquittal will not be recorded.

Once you have made use of all the possibilities of appealing before a court of appeal and the Supreme Court of Cassation, further appeal is not possible. The verdict will become final – if not appealed against, or appealed against but after the deadline, or after the Supreme Court of Cassation has pronounced its decision.

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

You can be sent back. In some cases, that can happen even if you do not agree. Your transfer will not automatically follow once your sentence becomes effective. A procedure described in detail in the [Criminal Procedure Code](#) must take place. You will need legal advice.

If I am convicted, can I be tried again for the same crime?

The law does not allow that you be tried for a crime for which you have already been convicted. The prohibition also applies when you have been convicted in another Member State.

Information about the charges/conviction

Information about the charges against you will be held in the police records. If you are acquitted, you can ask the police to delete that information.

Information about the conviction will be added to your criminal record. It will be held by the respective district court. If you were born outside Bulgaria, your criminal record will be kept at the Ministry of Justice.

No criminal record is deleted until you are 100 years old and then it is microfilmed and destroyed. You do not need to agree for your criminal record to be stored. You are not entitled to object to the storage of that information either.

Related links

[Criminal Procedure Code](#)

[Act on the Liability of the State and Municipalities for Damages \(Caused to Citizens\)](#)

[Ordinance No.8 of 26 February, 2008 on the Functions and Organization of Work of Criminal Conviction Records Offices](#)

■ Last update: 08/02/2012

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