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## 4 - My rights after the court has made its decision

### Can I appeal?

The court makes its decision at a hearing. You can appeal against the decision, verdict or sentence to the high court. You can either ask for acquittal or reduction of your sentence. If you believe that serious mistakes were made during the trial of your case before the district court, you can ask for the case to be sent back to the district court for a retrial with new judges.

You can appeal orally against the conviction, verdict or sentence at the hearing at which the decision is pronounced. You can also appeal in writing to the district court or the prosecution service. Your appeal must be filed within two weeks. If you have a lawyer, he or she will typically take care of the practicalities in connection with your appeal. If your sentence is a fine of DKK 3,000 or less, you need permission from the Danish Board of Appeal Permission to appeal the decision. Your application to the Board of Appeal Permission must be submitted within two weeks of the decision.

### What happens if I appeal?

If you appeal against the court's decision, the case will be heard by the high court. This hearing, too, is open to the public. There is no time limit as to when the case must be heard by the high court.

If you have been remanded in custody, the high court must hear your case before any other cases. The high court must also decide whether you should remain in custody until and during the appeal proceedings.

If you appeal for acquittal, your case will be retried by the high court. In that case, you are entitled to produce new evidence. You should discuss with your lawyer as quickly as possible what new evidence should be introduced in the appeal case. As soon as the prosecution has disclosed what evidence it will rely on in the high court proceedings, your lawyer will normally have 14 days to disclose your evidence. You may be able to obtain an exemption from the 14-day time limit.

If you only appeal for a reduction of your sentence, the high court will only consider the sentence. In such cases the parties will not produce any evidence to the high court, but your lawyer may ask the court to obtain additional information about your personal circumstances which is relevant to the fixing of the sentence or the question of extradition.

### What happens at the appeal hearing?

If you have appealed for acquittal, the case will be retried by the high court. In practice, the high court will often begin by reading out the statements made by you and the witnesses in the district court proceedings. However, if you and your lawyer disagree with this procedure, the statements must be given anew.

If you have appealed for a reduction of your sentence, the high court will take the evidence presented in the district court into account and will decide on the sentence on that basis.

The high court will announce its decision at the hearing. The high court can decide to uphold the district court judgment, to increase or reduce the sentence, or to acquit you. If you are acquitted or if the sentence is reduced, the costs of the appeal will be paid for out of public funds. The same applies if the prosecution appealed against

the judgment and the high court only affirms it. In all other circumstances you are likely to be ordered to pay the costs of the appeal proceedings.

## What happens if the appeal is successful/unsuccessful?

The high court judgment will supersede the district court judgment and will generally be final and conclusive. The case may extraordinarily be brought before the Supreme Court with permission from the Board of Appeal Permission. Such permission is normally granted only if the case is a matter of principle and therefore a test case, or for other special reasons. The Board only grants permission for a few criminal cases to be brought before the Supreme Court. Your lawyer can advise you on your chances of obtaining such permission.

If you are acquitted and if intrusive measures such as arrest, detention or search were used in the investigation, you can claim damages. Your claim must be made in writing to the regional public prosecutor no later than two months after the court's ruling. Your lawyer will normally take care of the practicalities in connection with raising the claim. Don't forget to let your lawyer know where you can be contacted in your own country.

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

You can normally be sent to another Member State to serve your sentence. Usually, this will only happen if you ask to be sent back to your own country to serve your sentence. You must send your application for serving your sentence in your own country to the Danish Ministry of Justice.

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

In Denmark, you cannot be sentenced twice for the same crime. The same principle applies in other European countries. Since the penalty provisions can be different from country to country, you have to ask about this in the country that might pursue the crime as well.

## Information about the charges/conviction

As soon as a case has been decided, the decision will be reported to the Central Crime Register. Decisions concerning violations of the Danish Criminal Code will be entered in the decision part of the register. Decisions concerning violations of other legislation will be registered if you are given a prison sentence or a disqualification sentence (sentence depriving you of a right). The decision will be registered with specification of the name of the court that issued the judgment, the date of the judgment, the statutory provisions that were violated, and the sentence.

There are restrictions as to which decisions will be included in the criminal record that can be issued for your personal use. The data are stored electronically, and deletion of the data depends on the seriousness of the sanction. You can make a complaint about registration or deletion errors, but not about the actual registration of a decision. Complaints about registration must be submitted to the Office of the National Commissioner of the Danish Police, which is the data authority in relation to criminal records.

### Related links

[The Danish Administration of Justice Act](#)

[Executive order on the processing of personal data in the Central Crime Register](#)

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