

FREQUENTLY ASKED QUESTIONS

How long does this process take?

Each case is different, but it can take several years or more for a case to move through the post-conviction process.

How do I get information about my case?

Contact the Post-Conviction Advocacy Program to request notifications at any time.

What resources are there for victims?

Post-Conviction Victim Advocates can answer questions about the process, explain victims' rights, accompany victims and their families to court proceedings and provide updates on the case.

Reimbursement for some expenses such as travel associated with attending a hearing or counseling costs, may be available through the Crime Victims' Compensation fund.



Giving Victims a Voice

Oregon Department of Justice Crime Victims' Services Division Post-Conviction Victim Advocacy Program

HELP US STAY IN TOUCH WITH YOU

It is our mission to keep you informed of important events and proceedings related to your case. To help us do this, please contact the Department of Justice Post-Conviction Victim Advocacy Program if your telephone number, address or email changes.



Post-Conviction Advocacy Program

1162 Court Street NE
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Post-Conviction Process And Victims' Rights



THE POST-CONVICTION PROCESS AND VICTIMS' RIGHTS



Once an offender has been found guilty, he or she can then challenge the conviction or sentence. This is known as the post-conviction process.

The Department of Justice represents the State of Oregon in all post-conviction proceedings.

This is likely to be a difficult, stressful and confusing time. We hope this information helps you understand what to expect during the post-conviction process.

DIRECT APPEALS

The offender may file a **direct appeal** of the rulings made at the Trial Court level. This type of appeal is based entirely on the record of what happened at the trial and no new evidence can be introduced.

Once a decision is issued by the Court of Appeals, either the State or the offender may appeal the ruling to the Oregon Supreme Court. If either side is dissatisfied with the ruling, this decision can be appealed to the United States Supreme Court.

POST-CONVICTION RELIEF

When the direct appeal process is completed, the offender may pursue **post-conviction relief (PCR)**. At this stage, new evidence can be brought to the Court.

The most common PCR claim is that the defense attorney at the trial did not adequately represent the offender. This is often referred to as "ineffective assistance of counsel."

Again, as with direct appeals, either side may appeal these decisions to a higher Court.

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At the conclusion of the direct appeal and post-conviction process, the offender may raise federal constitutional claims. Appeals of these decisions can be made to the Ninth Circuit Court and ultimately to the US Supreme Court.

POSSIBLE OUTCOMES

At any stage of the appeals process, a Court can do the following:

- Uphold the offender's conviction and sentence
- Order a new trial
- Modify the sentence
- Grant other relief as necessary

CRIME VICTIMS' RIGHTS

Victims of crime in Oregon have the following rights:

- To be notified of applicable rights by the District Attorney
- Reasonable, accurate and timely notices from the Department of Justice if an appeal is filed
- Notification of hearings before the Psychiatric Security Review Board or the State Hospital Review panel
- Attend any public hearings in the case
- Be heard, either orally or in writing, at certain hearings
- Consult with the State's attorney on the case
- Be informed by the State of the outcome of proceedings in the case

VICTIMS MAY CHOOSE HOW OR IF THEY WANT TO PARTICIPATE IN THE POST-CONVICTION PROCESS.

