

If you've entered a plea of guilty or have been found guilty of a criminal offense in a state court, you still have options to contest conviction. While protocol varies from state to state, the basic procedures are similar. Time is of the essence in how you proceed.

Withdrawal of Plea

If you have entered a plea of guilty to a criminal charge, you typically have 30 days to make a motion to withdraw the plea. This motion must have a legal basis, however, and will not be granted merely because you have changed your mind. The most recognized grounds for withdrawing a plea are that you didn't truly understand the nature and effect of the plea or that you received inadequate representation of counsel leading up to the plea.

Appeal

If you have been found guilty of a crime by a judge or a jury, you can appeal the verdict to an appeals court. Typically, you have 30 days to appeal after sentencing on the verdict. Most States require what's known as a post trial motion for the appeal. This motion must be filed before sentencing and must contain all the reasons for the appeal, ie. mistakes that were made by the State and trial court leading to the verdict. If there are issues about trial counsel's representation, it is essential that alternative counsel review the record of proceedings before sentencing so that these issues may be brought to the attention of the trial court and included in the post trial motion.

Post Conviction Petition

If there are issues surrounding your conviction that were not addressed in an appeal, most states allow some type of post conviction relief. It is most typically a petition that raises issues that were not part of the record reviewed by the appellate court. Often, these petitions are based on ineffective assistance of counsel or the discovery of new evidence. Time limits for filing such petitions range from a few months to a few years after final trial or appellate disposition.

Pardon

After all formal court action to reverse a conviction is exhausted, pardon remains an option. Most states have a protocol for petitioning their governor to consider a "pardon" or "clemency" action which would eliminate the conviction. Rehabilitation of the petitioner or wrongful conviction are the paths most typically followed in these actions.

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