

Cases Under Appeal

625.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth guidelines and procedures for appropriate supervision of cases under appeal. This policy applies to all Probation Officers.

625.1.1 DEFINITION

Definition related to this policy includes:

Appeal - A case under appeal is one in which a new hearing has been granted, or a request for rehearing is under consideration by a higher court. In these cases, the final judgment of the appeals court is pending and the initial order, or any specific portion of the order, may be stayed.

625.2 AUTHORITY AND REFERENCES

- Executive Committee

625.3 POLICY

When a matter is under appeal after supervision is granted, the officer will enforce all the conditions of supervision unless the entire order, or a portion thereof, is stayed by the sentencing court.

625.4 CASES UNDER APPEAL

- When a case reflecting appeal status is received from the court, support staff shall process the file, forward it to the appropriate unit supervisor for review, who will then assign the case for supervision based on established guidelines.
- If the court document indicates the entire order is stayed pending appeal, after review the supervisor shall return the file to the file cabinet labeled, "Cases Under Appeal," pending receipt of additional instructions.
- When only designated conditions of supervision are stayed, the case shall be assigned for supervision and enforcement with the exclusions noted.
- If any case in which the intention or order of the court is unclear, the supervisor shall seek clarification by inquiry to the court.
- Further supervision or disposition of a case shall be governed by the decision of the Appellate Court.
- The assigned officer shall periodically review Judicial Access to determine the nature of any appellate decisions and act accordingly.

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Riverside County Probation Department

Policy Manual

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Attachments: None