

A Maryland Judiciary Production

My Laws, My Courts, My Maryland

Series: Appealing Your Case to the Appellate Court of Maryland

Title: Part 5: Understanding the Appellate Court's Decision

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Reading Level: Grade 8

CHAPTER HEADINGS

What the Court Considers When Reviewing An Appeal

Possible Outcomes of an Appeal

Review

Hi there. In this video we will discuss two things: how the Appellate Court will review your case on appeal, and the types of decisions the Court may make.

Remember, appeals can be very complicated. Whenever possible, hire a lawyer to represent you. If you are going to represent yourself, you need to understand what the court considers when reviewing an appeal.

Chapter Heading: What The Court Considers When Reviewing An Appeal

If you watched the other videos in this series, you may remember that an appeal to the Appellate Court is not a new trial. The Appellate Court will rely on the lower court's assessment of the evidence and testimony. Remember, the Appellate Court will not be hearing from witnesses or reviewing new evidence. It will defer to what the judge of the lower court thought about the reliability of a witness or piece of evidence. For example, the Appellate Court will not try to determine if a witness lied.

So, what does the Appellate Court do? A three-judge panel will review your arguments and consider whether, based upon the evidence presented at trial, the trial court applied the law correctly in your case.

After the Appellate Court of Maryland finishes reviewing your case, the Court will issue a written opinion stating its decision. Except in certain expedited cases, there is no time frame for when the opinion will be issued.

Let's talk about the possible outcomes of an appeal.

Chapter Heading: Possible Outcomes of an Appeal

There are a few different decisions the Court may make:

- First, the Appellate Court may find that the lower court applied the law correctly in reaching its decision. The decision of the lower court will remain in place. It will be "affirmed." This means the original decision of the trial court will not be changed.
- Another possibility is that the Appellate Court may find that the trial court made an error. It may take one of several actions. The Court may vacate the judgment of the lower court or reverse it.
- The Appellate Court may also modify the judgment.
- Lastly, the Court may send the case back to the lower court for further action, including possibly a new trial. This last type of action is called a "remand."

Let's take a minute to review.

Chapter Heading: Review

Once the Appellate Court of Maryland has everything it needs to review your case, a three-judge panel of the Court will make a decision based upon the trial court record and the briefs filed by the parties.

The Appellate Court will not review new information. The Court will defer to the judgment of the trial

court about whether a witness was credible, or whether evidence was reliable. Once the Appellate Court reaches its decision, the Court will issue an opinion stating its ruling. The Court may:

- Affirm the judgment of the trial court,
- Vacate or reverse the lower court judgment,
- Modify the lower court's ruling, or
- Remand it – meaning send the case back to the trial court for further action.

I hope you found this information helpful. Thanks for watching.