

Abstract

The diploma thesis is focused on the analysis of the legal regulation of extraordinary appeal. The extraordinary appeal is the latest extraordinary legal remedy in the Czech criminal proceedings, which was incorporated into the Code of Criminal procedure by Act No. 265/2001 Coll., which entered into force on 1 January 2002. This topic is nonetheless also very relevant these days, as Act No. 220/ 2021 Coll introduced further changes in the legal regulation of extraordinary appeal. Introduction of this thesis is dedicated to the general characteristics of extraordinary appeal and a comparison of individual extraordinary legal remedies. This is followed by a chapter focused on the admissibility of extraordinary appeals. The most extensive part of this thesis is centered around discussing individual reasons for the extraordinary appeal. With the above-mentioned amendment, a new reason of extraordinary appeal was inserted into the Code of Criminal procedure according to § 265b paragraph 1 letter g), which is directly related to the development of the jurisprudence of the Supreme Court and the Constitutional Court regarding the so-called issue of extreme contradiction. The Constitutional Court ruled that in cases of so-called extreme contradiction, the Supreme Court should also review factual findings in order to respect the accused's right to a fair trial, which was accepted by the Supreme Court, and thus only on the basis of an extensive interpretation of the reasons for extraordinary appeal according to § 265b par. 1 letter h) of the Code of Criminal procedure, reasons for extraordinary appeal have been expanded beyond the legal framework. This resulted in a new reason for extraordinary appeal being added to the Code of Criminal procedure by amendment, the content of which mostly corresponds to the extensive interpretation at the time. This thesis pays considerable attention to this amendment to the Code of Criminal procedure. Furthermore, this work describes the persons entitled to file an extraordinary appeal, the content, the extraordinary appeal procedure itself, and examples of proposals de lege ferenda are presented. Individual chapters of this thesis use problematic situations that may arise in practice when applying legislation as examples, accompanied by numerous jurisprudence of the Supreme Court and the Constitutional Court.

Klíčová slova:

extraordinary appeal, reasons for the extraordinary appeal, Code of Criminal procedure