

Extraordinary Appeal in Criminal Proceedings

Abstract

This diploma thesis focuses on a comprehensive analysis of the legal regulation of extraordinary appeal, as one of the extraordinary remedies in criminal proceedings, which was introduced into Czech law with effect from 1 January 2002 by Act No. 265/2001 Sb. At first it focuses on general explanations of the appeal procedure, remedies and specific principles governing the appeal procedure, followed by historical overview of the development of extraordinary remedies. Then the diploma thesis deals with the institute of extraordinary appeal itself, namely, for a better understanding, at first in terms of general interpretations of the extraordinary appeal, and then analyses the individual issues. The main part of the diploma theses is devoted to applicable grounds for the extraordinary appeal, the interpretation of which considers the rich case law of the Supreme Court and the Constitutional Court, especially with regard to the ground of appeal under Section 265b (1) (h) al). The interpretive development of this provision, accompanied by contradictions between the Supreme Court and the Constitutional Court, which are sometimes referred to journalistically as a "war of the courts", was of fundamental importance for the introduction of a new ground of appeal under Section 265b (1) (g) al), the content of which was to a certain extent deduced with help of an extensive interpretation of the ground of appeal under Section 265b (1) (h) al) already before 1 January 2022. It is also discussed about the extraordinary appeal proceedings, possible ways of the Supreme Court's decision on extraordinary appeal and about proceedings after remanding the case for a new hearing and decision. In the following chapters, the thesis analyzes the interrelationship between extraordinary appeal and other extraordinary remedies (i.e. complaints for violation of the law and renewal of proceedings), as well as its relationship to constitutional complaint. There is also a comparison with the Slovak legislation on extraordinary appeals. An exhaustive legal analysis at the level of *de lege lata* is followed by the Conclusion, which results in assessment of selected issues and definition of proposals at the level of *de lege ferenda*.

Key words: extraordinary appeal, extraordinary remedies, grounds for the extraordinary appeal