



# Habeas Corpus Vs. Direct Appeal: How Is One Different from the Other?

# DIRECT APPEAL AND HABEAS CORPUS: WHAT'S THE DIFFERENCE?

## 1. What Is an Appeal?

- ⚖️ Filed in the court of Appeals to review an error in judgment
- ⚖️ Error in evidence or jury charge used against you
- ⚖️ Not helpful to discuss issues after the conviction
- ⚖️ Discusses what has already happened in the record



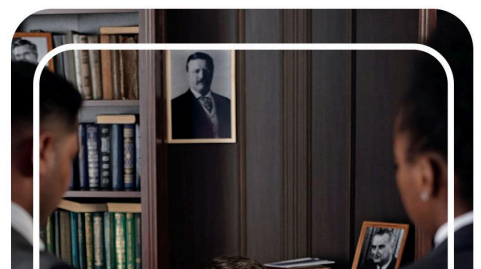
## 2. What Is a Habeas Corpus Writ?

- ⚖️ An order commanding a party to take or abstain from a specific action
- ⚖️ Usually filed to demand an incarcerated person to be produced in court
- ⚖️ Filed to dispute legality of person's confinement



## 3. How Does an Appeal Work?

- ⚖️ You must work with appeal attorneys
- ⚖️ File a Notice of Appeal



- 🔨 **Prepare the Record on Appeal**
- 🔨 **Prepare appeal brief**
- 🔨 **Prepare for oral argument should the need arise**



#### **4. How Does a Habeas Corpus Writ Work?**

- 🔨 **File a petition signed by an individual or someone acting on behalf of the person**
- 🔨 **Petition examined only if the individual is within the court's jurisdiction**
- 🔨 **Facts and evidence are examined**
- 🔨 **Court orders release of an individual or looks for other solution**
- 🔨 **The burden of proof is on the petitioner**

#### **5. What Happens After the Appeal?**

- 🔨 **Individuals may be granted bail**
- 🔨 **The convict may be given a new sentence hearing**
- 🔨 **The sentence could be affirmed**
- 🔨 **conviction may be overturned**



#### **6. Key Differences**

- 🔨 **Appeals correct errors of judgment in the trial court**



- ⚖️ **Appeals confined within court's records**
- ⚖️ **Writs involve pointing court errors but include records outside the court records**
- ⚖️ **With a writ, you can present new information**

**Are You Looking for Appellate Attorneys?**

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## **About Brownstone Appeal Lawyer**

- ✓ **Experienced federal appeals attorneys**
- ✓ **Appeals in federal courts across the US**
- ✓ **Excellent track record**

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What is an appeal? What is a habeas corpus writ? When should you make a direct appeal or file a habeas corpus? How do [appellate attorneys](https://www.brownstonelaw.com/) help with each of these appeals? This infographic explains everything. If you are looking for experienced appeal lawyers, visit <https://www.brownstonelaw.com/>.

### **Contact Details:**

Brownstone Law  
222 West Comstock, Suite 215  
Winter Park, FL, USA - 32789  
Phone: 407-388-1900

