

Chapter 157

Appeals in Criminal Actions; Writ of Review

157.010	Appeal to circuit court from justice's court	157.050	Appeal as stay of proceedings; undertaking of bail on appeal
157.020	Who may appeal; appealable judgments	157.060	When appeal is perfected; amendment of pleadings in appellate court
157.030	Time and manner of taking appeal	157.070	Writ of review in criminal cases
157.040	Justice's duty as to making and delivering transcript	157.080	Appeal to circuit court from district court

CROSS REFERENCES

157.020	157.050
Appeal from sentence on plea of guilty where fine or imprisonment is excessive, 138.050	Deposit of money in lieu of bail or bond, 22.020 to 22.070, 140.310 to 140.340

157.010 Appeal to circuit court from justice's court. In a criminal action in a justice's court, except where the judgment is given on a plea of guilty, an appeal may be taken from a judgment of conviction to the circuit court of the county in which the judgment is given, as prescribed in this chapter, and not otherwise.

157.020 Who may appeal; appealable judgments. An appeal can only be taken by the defendant, and by the defendant only when the judgment is that he pay a fine of not less than \$20 or be imprisoned not less than 10 days, exclusive of costs in either case.

157.030 Time and manner of taking appeal. The appeal is taken in the same manner and within the same time as in the case of an appeal from a judgment in a civil action, except that the notice thereof shall be served upon the district attorney for the county, or his deputy, or upon the private prosecutor in the action; provided, however, that in such cases no undertaking providing for the payment of costs and disbursements shall be required.

157.040 Justice's duty as to making and delivering transcript. If the defendant is in custody at the time the appeal is allowed, the justice shall make the proper transcript and deliver it to the clerk of the circuit court within 10 days from the date the appeal is taken.

157.050 Appeal as stay of proceedings; undertaking of bail on appeal. An allowance of an appeal does not stay the proceedings on the judgment unless the defendant gives an undertaking of bail on appeal, as provided in ORS 140.100.

157.060 When appeal is perfected; amendment of pleadings in appellate court. From the filing of the transcript with the clerk of the circuit court the appeal is perfected and the action is to be deemed pending therein for trial upon the issue tried in the justice's court. In a criminal action, the appellate court has the same authority to allow an amendment of the pleadings on an appeal that it has on an appeal in a civil action.

157.070 Writ of review in criminal cases. No provision of ORS 157.010 to 157.060, in relation to appeals or the right to appeal in criminal cases, shall be construed to prevent either party to a judgment given in a criminal action in a justice's court from having it reviewed in the circuit court for errors in law appearing upon the face of the judgment or the proceedings connected therewith, as provided in ORS 34.010 to 34.100.

157.080 Appeal to circuit court from district court. In respect to appeals to the circuit court, district courts are governed in their criminal and quasicriminal actions and proceedings by the provisions of law regulating such actions and proceedings as to justices' courts in such respect, as provided in ORS 157.010 to 157.050 and 157.070, in so far as the same are or can be made applicable in the several cases arising before them, except when other provisions of law provide for different procedure in district courts in such cases and proceedings, in which event, such other provisions shall control; provided however, that all money required by law to be paid to or deposited with a justice of the peace in such proceedings shall in a district court be paid to or deposited with the clerk of the court.

CHAPTERS 158 TO 160

[Reserved for expansion]

