

§436. New trial

At any time after approval by the convening authority of a court-martial sentence, the accused may petition the state judge advocate for a new trial on the grounds of newly discovered evidence or fraud on the court. The state judge advocate shall review the petition, the record and such other evidence as the state judge advocate considers appropriate and report to the convening authority the state judge advocate's recommendation to grant or deny a new trial. If a new trial is recommended, the convening authority shall order a rehearing as provided in section 432, subsection 3. Upon filing of the petition for a new trial, any proceedings pending upon appeal or review of sentence must be dismissed. [RR 2019, c. 1, Pt. B, §35 (COR).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 1983, c. 594, §30 (AMD). RR 2019, c. 1, Pt. B, §35 (COR).

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