

§806. Complaint adjudged frivolous or malicious; appeal

If following an examination it appears that an offense has not been committed or that there is not probable cause to charge the accused, on motion of the defendant the judge shall render judgment whether or not the complaint is frivolous or malicious. If the judge judges the complaint to be frivolous or malicious, the judge shall order the complainant to pay the costs of prosecution and shall issue execution in favor of the county and against the complainant for that sum and may receive and pay over those costs to the county treasurer for the use of the county and, if the costs are not paid, the judge shall return the execution to the county commissioners, for the use of the county. The complainant has the same right of appeal as in civil cases. [RR 2023, c. 2, Pt. D, §51 (COR).]

SECTION HISTORY

PL 1965, c. 356, §28 (AMD). RR 2023, c. 2, Pt. D, §51 (COR).

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