

§2126. Exhaustion

A person under restraint or impediment specified in section 2124 must also demonstrate that the person has previously exhausted remedies incidental to proceedings in the trial court, on appeal or administrative remedies. A person who has taken an appeal from a judgment of conviction, a juvenile adjudication or a judgment of not criminally responsible by reason of insanity is not precluded from utilizing the remedy of this chapter while the appeal is pending. The post-conviction review proceeding is automatically stayed pending resolution of the appeal unless the Appellate Court on motion and for good cause otherwise directs. [PL 2013, c. 266, §5 (AMD).]

SECTION HISTORY

PL 1979, c. 701, §15 (NEW). PL 1981, c. 238, §3 (AMD). PL 1985, c. 556, §2 (AMD). PL 2013, c. 266, §5 (AMD).

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