
JUSTICE COURT

CHAPTER 222

Senate Bill No. 171
(Day, Duffy and Nordhougen)

APPEAL FROM JUSTICE COURT BY STATE AND DEFENDANT**AN ACT**

To amend and reenact section 33-1234 of the North Dakota Revised Code of 1943, relating to appeal from justice court judgment by state and defendant; time; how taken; notice; and bail, and providing a new trial in certain cases.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. AMENDMENT.) Section 33-1234 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

33-1234. APPEAL; TIME; HOW TAKEN; NOTICE; BAIL.) An appeal may be taken from a judgment of a justice of the peace or a police magistrate sitting as a justice of the peace, to the district court by the state in a criminal action, upon any question of law, and by the defendant upon both questions of law and fact, at any time within thirty days after the entry of judgment, by giving a notice of the appeal, and by the defendant giving bail for his appearance in district court as prescribed in this chapter. Any defendant having pleaded guilty without the advice of counsel shall, within thirty days thereafter, upon application of his attorney, be entitled to have any judgment entered on such plea vacated and a new trial granted.

Approved February 26, 1949.