

CHAPTER 29-25

MOTION IN ARREST OF JUDGMENT

29-25-01. Motion in arrest of judgment defined.

Superseded by N.D.R.Crim.P., Rule 34.

29-25-02. Grounds for arrest of judgment.

Superseded by N.D.R.Crim.P., Rule 34.

29-25-03. Form and contents of motion - Entry in minutes.

Superseded by N.D.R.Crim.P., Rule 34.

29-25-04. Notice of motion - When motion heard and decided.

Superseded by N.D.R.Crim.P., Rule 34.

29-25-05. Effect of allowing a motion in arrest.

The effect of allowing a motion in arrest of judgment is to place the defendant in the same situation in which the defendant was before the information was filed or the indictment found.

29-25-06. Judgment arrested - Further prosecution - Acquittal.

If, from the evidence in a trial, there is reason to believe the defendant guilty, and a new information or indictment can be framed upon which the defendant may be convicted, the court may order the defendant to be recommitted to the officer of the proper county, or admitted to bail anew, to answer the new information or indictment. If the evidence shows the defendant guilty of another offense, the defendant must be committed or held thereon, and in neither case may the verdict be a bar to another prosecution. If no evidence appears sufficient to charge the defendant with any offense, the defendant, if in custody, must be discharged, or if admitted to bail, the defendant's bail must be exonerated, or if money has been deposited instead of bail, it must be refunded, and the arrest of judgment operates as an acquittal of the defendant of the charge upon which the information or indictment was founded.