

## CHAPTER 4

### Rights of Defendants

#### SECTIONS

#### § 401. Rights of defendants enumerated.

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Every defendant in a criminal case before a court of the Trust Territory shall be entitled:

- (1) to have in advance of trial a copy of the charge upon which he is to be tried;
- (2) to consult counsel before the trial and to have an attorney at law or other representative of his own choosing defend him at the trial;
- (3) to apply to the court for further time to prepare his defense, which the court shall grant if it is satisfied that the defendant will otherwise be substantially prejudiced in his defense;
- (4) to bring with him to the trial such material witnesses as he may desire or to have them summoned by the court at his request;
- (5) to give evidence on his own behalf at his own request at the trial, although he may not be compelled to do so;
- (6) to have proceedings interpreted for his benefit when he is unable to understand them otherwise; and
- (7) to request the appointment of an assessor in trials before the Trial Division of the High Court in the event that one has not been appointed by the Trial Judge under the provisions of section 514 of title 5 of this code.

**Source:** TT Code 1966 § 187; TT Code 1970, 12 TTC 151; TT Code 1980, 12 TTC 151.

**Cross-reference:** FSM Const., art. IV, §§ 5 and 6, along with accompanying case annotations. The provisions of the Constitution are found in Part I of this code. See also Bill of Rights in chapter 1 of title 1 of this code.

Title 5 of this code on Judiciary of the Trust Territory of the Pacific Islands (TTPI) was repealed in its entirety by PL 5-135 § 7.