

Cherokee Nation Code Annotated

Title 22: Criminal Procedure

Chapter 22: Insanity of Accused

§ 1164. Order of trial of sanity

Cite as: 22 CNCA § 1164

The trial of the question of insanity must proceed in the following order:

1. The Counsel for the defendant must open the case and offer evidence in support of the allegation of insanity;
2. The Counsel for the Nation may then open their case and offer evidence in support thereof;
3. The parties may then respectively offer rebutting testimony only, unless the Court, for good reason, in furtherance of justice permit them to offer evidence upon their original case;
4. When the evidence is concluded, unless the case be submitted to the jury on either side or on both sides, without argument, the Counsel for the Nation must commence, and the defendant or his Counsel may conclude the argument to the jury;
5. The Court must then charge the jury before argument as in other cases.

Historical Data

LA 10–90, eff. November 13, 1990.