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A BILL FOR AN ACT

To amend sections 903 and 905 of title 6 of the Code of the Federated States of Micronesia, relating to when the National Government shall have a right of appeal in a criminal case, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 903 of title 6 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 903. Right of Trust Territory Government the National
4 Government of the Federated States of Micronesia to appeal.

5 (1) *In a criminal case, the Government shall have the*
6 *right of appeal only when a written enactment intended to*
7 *have the force and effect of law has been held invalid.*
8 *Action on any such appeal shall be limited as provided in*
9 *section 903 of this chapter.*

10 (2) *In civil cases, the Government shall have the same*
11 *right of appeal as private parties. In criminal and civil*
12 *cases, the National Government shall have the same right of*
13 *appeal as private parties."*

14 Section 2. Section 905 of title 6 of the Code of the Federated
15 States of Micronesia is hereby amended to read as follows:

16 "Section 905. Powers of courts on appeal or review.

17 (1) *The High Court Supreme Court of the Federated States*
18 *of Micronesia on appeal or review and the District Court on*
19 *appeal shall have power to affirm, modify, set aside, or reverse*
20 *the judgment or order appealed from or reviewed and to remand*
21 *the case with such directions for a new trial or for the entry*
22 *of judgment as may be just.*

23 (2) *The findings of fact of the Trial Division of the*
24 *High Court Supreme Court of the Federated States of Micronesia*
25 *in cases tried by it shall not be set aside by the Appellate*

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1 Division of that court unless clearly erroneous, but in all
2 other cases the appellate or reviewing Court may review the
3 facts as well as the law.

4 (3) In a criminal case, the appellate or reviewing Court
5 may set aside the judgment of conviction, or may commute,
6 reduce (but not increase), or suspend the execution of the
7 sentence, and, if the defendant has appealed or requested
8 a new trial, the appellate or reviewing Court may order a new
9 trial. *but if the Government has appealed in a criminal case
10 as authorized in section 903 of this chapter, the appellate or
11 reviewing Court may not reverse any finding of not guilty, and
12 its powers shall be limited to a reversal of any determination
13 of invalidity of an enactment intended to have the force of law."*

14 Section 3. This act shall become law upon approval by the President
15 of the Federated States of Micronesia or upon its becoming law without
16 such approval.

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18 Date: 5/14/85

Introduced by: Jack Fritz
Jack Fritz

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