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:

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

"Section 903. Right of the Territorial Government to appeal.

(1) In civil cases the Territorial Government shall have the right of appeal by filing a petition in the Territorial Court, where the appeal is taken, or within any time fixed by law. The action or suit may appeal shall be treated as pending in Section 903 of this chapter.

(2) In civil cases the Territorial Government shall have the same right of appeal as private parties."

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

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

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

(2) The findings of fact of the Trial Division of the High Court Supreme Court of the Federated States of Micronesia in cases tried by it shall not be set aside by the Appellate
Division of that court unless clearly erroneous, but in all
other cases the appellate or reviewing Court may review the
facts as well as the law.

(3) In a criminal case, the appellate or reviewing Court
may set aside the judgment of conviction, or may commute,
reduce (but not increase), or suspend the execution of the
sentence, and, if the defendant has appealed or requested
a new trial, the appellate or reviewing Court may order a new
trial. But if the defendant was arrested in a criminal case
as authorized in Section 703 of this chapter the appellate or
reviewing Court may review any finding of not guilty and
the judge shall be limited to a reversal of the acquittal or
of insufficiency of evidence intended to warrant the invoice of

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

Date: 5/14/85  Introduced by: Jack Fritz