

from Paul for 2/1/08 mtg.

CHAPTER 11

POWERS AND DUTIES OF GRAND JURY [REPEALED]

77-11-1 to 77-11-11. Repealed. 1990

CHAPTER 12

INDICTMENT [REPEALED]

77-12-1 to 77-12-5. Repealed. 1990

CHAPTER 13

PLEAS

Section 77-13-1. Kinds of pleas.
 77-13-2. Record of plea — Effect of each kind of plea.
 77-13-3. Court approval of no contest plea required.
 77-13-4. Felonies — Entry in open court.
 77-13-5. Failure to plead — Not guilty entered.
 77-13-6. Withdrawal of plea.

77-13-1. Kinds of pleas.
 (1) There are five kinds of pleas to an indictment or information:
 (a) not guilty;
 (b) guilty;
 (c) no contest;
 (d) not guilty by reason of insanity; and
 (e) guilty and mentally ill at the time of the offense.
 (2) An alternative plea of not guilty or not guilty by reason of insanity may be entered. 2007

77-13-2. Record of plea — Effect of each kind of plea.
 Every plea shall be entered upon the record of the court and shall have the following effect:
 (1) A plea of not guilty is a denial of the guilt of the accused and puts in issue every material allegation of the information or indictment;
 (2) A plea of guilty is an acknowledgment that the accused is guilty of the offense charged; and
 (3) A plea of no contest indicates the accused does not challenge the charges in the information or indictment and if accepted by the court shall have the same effect as a plea of guilty and imposition of sentence may be rendered in the same manner as if a plea of guilty had been entered. 1980

77-13-3. Court approval of no contest plea required.
 A plea of no contest may be entered by the accused only upon approval of the court and only after due consideration of the views of the parties and the interest of the public in the effective administration of justice. 1980

77-13-4. Felonies — Entry in open court.
 All pleas in felony cases shall be entered by the defendant in open court and the proceedings recorded. 1980

77-13-5. Failure to plead — Not guilty entered.
 When a defendant does not enter a plea, the court shall enter a plea of not guilty for him. 1980

77-13-6. Withdrawal of plea.
 (1) A plea of not guilty may be withdrawn at any time prior to conviction.
 (2) (a) A plea of guilty or no contest may be withdrawn only upon leave of the court and a showing that it was not knowingly and voluntarily made.

(b) A request to withdraw a plea of guilty or no contest, except for a plea held in abeyance, shall be made by motion before sentence is announced. Sentence may not be announced unless the motion is denied. For a plea held in abeyance, a motion to withdraw the plea shall be made within 30 days of pleading guilty or no contest.

(c) Any challenge to a guilty plea not made within the time period specified in Subsection (2)(b) shall be pursued under Title 78, Chapter 35a, Post-Conviction Remedies Act, and Rule 65C, Utah Rules of Civil Procedure. 2004

CHAPTER 14

DEFENSES

Section 77-14-1. Time and place of alleged offense — Specification.
 77-14-2. Alibi — Notice requirements — Witness lists.
 77-14-

77-14 25(g)(1) A denial may be withdrawn at any time prior to adjudication.
 77-14 25(g)(2) An admission or a plea of no contest may be withdrawn only upon leave of ~~court~~ the court and a showing that it was not knowing and voluntarily made. A request to withdraw an admission or a plea of no contest, except for an admission or plea of no contest held in abeyance, shall be made by motion before disposition is announced. Disposition may not be announced unless the motion is denied. For an admission or plea of no contest held in abeyance, a motion to withdraw the admission or plea of no contest shall be made within 30 days of making the admission or pleading no contest.

(1) Broaden the (g)(2) grounds?
 expert to testify at trial or at any hearing regarding the mental state of the defendant or another, the party intending to call the expert shall give notice to the

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