

192A.155 DETAIL OF TRIAL COUNSEL AND DEFENSE COUNSEL.

Subdivision 1. **Who may be detailed.** For each general, special, or summary court-martial or posttrial review the authority convening the court shall detail trial counsel and defense counsel, and such assistants as considered appropriate. No person who has acted as investigating officer, military judge, or court member may act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.

Subd. 1a. **Right to counsel.** The accused has the right to be represented before a general, special, and summary court-martial by military defense counsel or by civilian counsel if provided by the accused at the accused's own expense. Should the accused have personally selected civilian counsel, the military defense counsel, and assistant defense counsel, if any, who were detailed shall, if the accused so desires, act as associate defense counsel; otherwise they shall be excused by the military judge.

Subd. 2. **Qualifications of counsel.** Trial counsel or defense counsel detailed for a general, special, or summary court-martial:

- (1) must be a person who is a member of the bar of the highest court of the state, or a member of the bar of a federal court; and
- (2) must be certified as competent to perform such duties by the state judge advocate.

History: 1963 c 661 s 192A.155; 1978 c 552 s 16; 1986 c 444; 2002 c 308 s 28