

**35.190 Duties of trial counsel and defense counsel -- Assistants.**

- (1) The trial counsel of a general or special court-martial shall prosecute in the name of the state, and shall, under the direction of the court, prepare the record of the proceedings.
- (2) The accused shall have the right to be represented in his defense before a general or special court-martial by civilian counsel if provided by him, or by military counsel of his own selection if reasonably available, or by the defense counsel duly appointed pursuant to KRS 35.130. If the accused has counsel of his own selection the duly appointed defense counsel, and assistant defense counsel, if any, shall, if the accused so desires, act as his associate counsel; otherwise they shall be excused by the military judge.
- (3) In every court-martial proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters as he feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he may deem appropriate.
- (4) An assistant trial counsel of a general court-martial may, under the direction of the trial counsel, or when he is qualified to be a trial counsel as required by KRS 35.130, perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.
- (5) An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel, or when he is qualified to be the defense counsel as required by KRS 35.130, perform any duty which, by law, regulation, or the custom of the service, is placed upon counsel for the accused.

**History:** Amended 1970 Ky. Acts ch. 56, sec. 24. -- Created 1954 Ky. Acts ch. 99, sec. 37, effective July 1, 1954.