

**22-3423. Mistrials.** (1) The trial court may terminate the trial and order a mistrial at any time that he finds termination is necessary because:

- (a) It is physically impossible to proceed with the trial in conformity with law; or
- (b) There is a legal defect in the proceedings which would make any judgment entered upon a verdict reversible as a matter of law and the defendant requests or consents to the declaration of a mistrial; or
- (c) Prejudicial conduct, in or outside the courtroom, makes it impossible to proceed with the trial without injustice to either the defendant or the prosecution; or
- (d) The jury is unable to agree upon a verdict; or
- (e) False statements of a juror on voir dire prevent a fair trial; or
- (f) The trial has been interrupted pending a determination of the defendant's competency to stand trial.

(2) When a mistrial is ordered, the court shall direct that the case be retained on the docket for trial or such other proceedings as may be proper and that the defendant be held in custody pending such further proceedings, unless he is released pursuant to the terms of an appearance bond.

*History:* L. 1970, ch. 129, § 22-3423; July 1.