

AMENDMENT OF CRIMINAL RULES.

ORDER OF MAY 31, 1938.

It is ordered that paragraph (3) of Rule II of the Rules of Practice and Procedure in Criminal Cases be, and the same is hereby, amended to read as follows:

“(3) Except in capital cases a motion for a new trial solely upon the ground of newly-discovered evidence may be made within sixty (60) days after final judgment, without regard to the expiration of the term at which judgment was rendered, unless an appeal has been taken and in that event the trial court may entertain the motion only on remand of the case by the appellate court for that purpose, and such remand may be made at any time before final judgment. In capital cases the motion may be made at any time before execution of the judgment.”