

48-2711. (KCMJ Art. 46) Opportunity to obtain witnesses and other evidence. (a) Trial counsel, defense counsel and the court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the governor may prescribe. Process issued in courts-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall be similar to that which courts of the state having criminal jurisdiction may lawfully issue and shall include the authority to summon witnesses from without the state as provided in K.S.A. 22-4201 et seq. and amendments.

(b) The military judge of a court-martial or a summary court officer may:

(1) Issue a warrant for the arrest of any accused person who having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;

(2) issue subpoenas *duces tecum* and other subpoenas; and

(3) enforce by attachment the attendance of witnesses and the production of books and papers.

History: L. 1972, ch. 203, § 48-2711; L. 1988, ch. 191, § 30; July 1.