

CPL ARTICLE 280: MISTRIAL.

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If a defendant is deprived of a fair trial do to error/legal defect or conduct inside OR outside the courtroom: the Judge **must** grant defendant's motion for mistrial. However for joint defendant(s), trial still proceeds if other(s) don't also motion.

Similarly, the Court **must** grant the People's motion for mistrial based on gross misconduct of defendant/juror; however as above, trial may still proceed against joint defendant(s).

If it's impossible for trial to proceed, *either* party OR the Court may so motion.

AFTER MISTRIAL, NEW TRIAL ON INDICTMENT HAS **ALL** COUNTS AS ON *PREVIOUS* TRIAL (INCLUDING ANY WHICH WERE DISMISSED)!!!