628.18 TESTS OF SUFFICIENCY.

The indictment shall be sufficient if it is drafted in accordance with the provisions of rule 17.02 of the Rules of Criminal Procedure and if it can be understood therefrom:

(1) that it is entitled in a court having authority to receive it, though the name of the court is not accurately stated;

(2) that it was found by a grand jury of the county in which the court was held;

(3) that the defendant is named, or, if the name cannot be discovered, is described by a fictitious name, with the statement that the defendant has refused to discover the real name;

(4) that the offense was committed at some place within the jurisdiction of the court, except where, as provided by law, the act, though done without the local jurisdiction of the county, is triable therein;

(5) that the offense was committed at some time prior to the time of finding the indictment;

(6) that the act or omission charged as the offense is clearly and distinctly set forth, in ordinary and concise language, without repetition;

(7) that the act or omission charged as the offense is stated with such a degree of certainty as to enable the court to pronounce judgment, upon a conviction, according to the right of the case.

History: *(10647) RL s 5305; 1979 c 233 s 29; 1986 c 444*