

**35.336 Execution of sentence -- Suspension of sentence.**

- (1) If the sentence of the court-martial extends to dismissal or a dishonorable or bad-conduct discharge and if the right of the accused to appellate review is not waived, and an appeal is not withdrawn under KRS 35.327, that part of the sentence extending to dismissal or a dishonorable or bad-conduct discharge may not be executed until there is a final judgment as to the legality of the proceedings. A judgment as to the legality of the proceedings is final in such cases when review is completed by an appellate court prescribed in KRS 35.333, and is deemed final by the law of the state where the judgment was had.
- (2) If the sentence of the court-martial extends to dismissal or a dishonorable or bad-conduct discharge and if the right of the accused to appellate review is waived, or an appeal is withdrawn under KRS 35.327, that part of the sentence extending to dismissal or a dishonorable or bad-conduct discharge may not be executed until review of the case by the senior force judge advocate and any action on that review under KRS 35.331 is completed. Any other part of the court-martial sentence may be ordered executed by the convening authority or other person acting on the case under KRS 35.326 when so approved under that section.

**Effective:** June 25, 2013

**History:** Created 2013 Ky. Acts ch. 32, sec. 73, effective June 25, 2013.