I.C.R. 35. Correction or Reduction of Sentence

Idaho Criminal Rule 35. Correction or Reduction of Sentence.

(a) Illegal sentences. The court may correct a sentence that is illegal from the face of the record at any time.

(b)Sentences imposed in an illegal manner or reduction of sentence. The court may reduce a sentence within 120 days after the filing of a judgment of conviction or within 120 days after the court releases retained jurisdiction. The court may also reduce a sentence upon revocation of probation or upon motion made within fourteen (14) days after the filing of the order revoking probation. Motions to correct or modify sentences under this rule must be filed within 120 days of the entry of the judgment imposing sentence or order releasing retained jurisdiction and shall be considered and determined by the court without the admission of additional testimony and without oral argument, unless otherwise ordered by the court in its discretion; provided, however that no defendant may file more than one motion seeking a reduction of sentence under this Rule.

(c) Credit for time served. A motion to correct a court's computation of credit for time served, granted pursuant to Idaho Code Sections 18-309 or 19-2603, may be made at any time.

(Adopted December 27, 1979, effective July 1, 1980; amended April 3, 1981, effective July 1, 1981; amended March 23, 1983, effective July 1, 1983; amended May 2, 1986, effective July 1, 1986; amended June 15, 1987, effective November 1, 1987; amended March 23, 1990, effective July 1, 1990; amended February 10, 1993, effective July 1, 1993; amended December 9, 2009, effective December 9, 2009; amended March 18, 2011, effective July 1, 2011.)

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