I.M.C.R. 9. Judgment of Conviction and Sentence - Judgment of Acquittal.

Idaho Misdemeanor Criminal Rule 9. Judgment of Conviction and Sentence - Judgment of Acquittal.

(a) Judgment of Conviction and Sentence. Upon appearance by the defendant and entry of a plea of guilty, or upon conviction following a plea of not guilty, the court may enter an appropriate judgment of conviction, impose sentence, direct that any fine, restitution, costs and fees be paid out of the bail deposited by the defendant or on defendant's behalf and remit to the party posting the bail any amount by which the bail exceeds these amounts. Provided the court may suspend the sentence and place the defendant on probation as provided by law, or may withhold judgment as provided in the following Rule 10.

(b) Acquittal of defendant. In the event the defendant is acquitted, the court shall enter a judgment of acquittal, exonerate any bail which has been posted, and return such bail to the person posting the same and shall discharge the defendant.

(c) Discharge of Judgment. If, after entry of a judgment for the payment of a penalty, court costs or payment of money to any person or entity, the court determines that the unpaid portion of the judgment is not reasonably collectible for any reason, the court may enter an order discharging the judgment and close the file. A discharge of a judgment on a citation may be entered by endorsing the word "discharged" on the face of the citation together with the date and the signature of the court. Such discharge may be signed and entered by the clerk at the direction of the court. The entry of a discharge of judgment shall not affect the judgment other than to satisfy the duty to pay the balance of the penalty, court costs and the payment of money to any person or entity; provided, such discharge does not satisfy the duty of the defendant to pay victim's restitution ordered pursuant to Chapter 53 of Title 19, Idaho Code, nor prevent the victim from enforcing the order by execution pursuant to section 19-5305, Idaho Code.

(Adopted December 27, 1979, effective July 1, 1980; amended April 18, 1983, effective July 1, 1983; amended June 15, 1987, effective November 1, 1987; amended March 23, 1990, effective July 1, 1990.)

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