

## **SUMMARY STATEMENT**

*State v. Herrera*, Docket No. 45547

The Supreme Court affirmed the judgment of the district court in partially denying Herrera's Idaho Criminal Rule 35 motion for correction or reduction of sentence. Herrera was convicted of first-degree murder and other charges and was sentenced to an indeterminate term of life with thirty-five years fixed. He argued that his sentence was illegal because the fixed term was greater than the minimum duration mandated by Idaho Code section 18-4004. The Court held that Herrera's appeal from an amended judgment was timely, but held that in first-degree murder cases under section 18-4004 where the death penalty was not sought, a life sentence shall be imposed with at least a ten year period of confinement; but, nothing in section 18-4004 restricts the district court from imposing more than ten years of confinement