



## Rule 39. Uniform Post-Conviction Procedure Act

### Idaho Criminal Rule 39. Uniform Post-Conviction Procedure Act

**(a) Application for Relief.** An application for post-conviction relief from a judgment of conviction or sentence must be in the form of a petition and filed in the district court where the defendant was convicted. The petition must be in substantially the form found in Appendix A.

**(b) Filing and Processing.** The petition for post-conviction relief must be filed as a separate civil case and be processed under the Idaho Rules of Civil Procedure except as otherwise ordered by the trial court. The provisions for discovery in the Idaho Rules of Civil Procedure do not apply except as and only to the extent ordered by the trial court.

**(c) Burden of Proof.** The petitioner has the burden of proving grounds for relief by a preponderance of the evidence.

([Adopted February 22, 2017, effective July 1, 2017](#) [1].)

**Source URL:** <https://isc.idaho.gov/icr39>

#### Links

[1] <https://isc.idaho.gov/./rules/ICR/ICR-38-44.1-Adoption-Newly-Formatted-ICR-022217.pdf>