

## **I.C.R. 29. Motion for Judgment of Acquittal.**

### **Idaho Criminal Rule 29. Motion for Judgment of Acquittal**

**(a) Before Submission to the Jury.** After the prosecution closes its evidence or after the close of all the evidence, the court on defendant's motion or on its own motion, must enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction. If the court denies a motion for a judgment of acquittal at the close of the prosecution's evidence, the defendant may offer evidence. If the court dismisses an offense, the court must consider whether the evidence would be sufficient to sustain a conviction on a lesser included offense.

**(b) Reserving Decision.** If a motion for judgment of acquittal is made at the close of all the evidence, the court may reserve decision on the motion, submit the case to the jury, and decide the motion either before the jury returns a verdict or after it returns a verdict of guilty or is discharged without having returned a verdict.

#### **(c) After Jury Verdict or Discharge.**

(1) A defendant may move for a judgment of acquittal, or renew the motion, within 14 days after the jury is discharged or within such further time as the court orders during that 14-day period.

(2) If the jury has returned a guilty verdict, the court may set aside the verdict and enter an acquittal. If the jury has failed to return a verdict, the court may enter a judgment of acquittal.

(3) A defendant is not required to move for a judgment of acquittal before the court submits the case to a jury as a prerequisite to making such a motion after jury discharge.

(Adopted February 22, 2017, effective July 1, 2017.)

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