



I.C.R. 34. New Trial

Idaho Criminal Rule 34. New Trial

(a) In General. On the defendant's motion, the court may vacate any judgment and grant a new trial on any ground permitted by statute. If the case was tried without a jury, the court may take additional testimony and enter a new judgment.

(b) Time to File.

(1) *Newly Discovered Evidence.* Any motion for a new trial grounded on newly discovered evidence must be filed within two years after final judgment. If an appeal is pending, the court may not grant a motion for a new trial until the appellate court remands the case.

(2) *Other Grounds.* Any motion for a new trial grounded on any reason other than newly discovered evidence must be filed within 14 days after the verdict, finding of guilty, or imposition of sentence, or within any further time the court may set during the 14-day period.

(c) Presiding Judge. The motion must be considered and ruled upon by the judge who presided over the trial unless: (1) the judge who presided over the trial no longer holds the same judicial office that the judge held at the time of the trial; or (2) other extraordinary circumstances exist, such as the judge's disqualification, death, illness, or other disability.

([Adopted February 22, 2017, effective July 1, 2017](#) [1]; [amended September 14, 2017, effective January 1, 2018](#) [2].)

Source URL: <https://isc.idaho.gov/icr34>

Links

[1] <https://isc.idaho.gov/./rules/ICR/ICR-34a-Adoption-of-Newly-Formatted-ICR-022217.pdf>

[2] <https://isc.idaho.gov/./rules/ICR/ICR-34b-ICR-25.1-33.a-34-091417%29.pdf>