



## **I.C.R. 38. Stay of Execution - Relief Pending Review.**

### **Idaho Criminal Rule 38. Stay of Execution; Relief Pending Review**

**(a) Death Sentence.** The court must stay a death sentence if the defendant appeals the conviction or sentence.

**(b) Imprisonment.**

(1) *Stay Granted.* If the defendant is released pending appeal, the court must stay a sentence of imprisonment.

(2) *Stay Denied; Place of Confinement.* If the defendant is not released pending appeal, any sentence of imprisonment begins on the date of entry of judgment. If the defendant is incarcerated, the court in which the conviction was entered may order the defendant returned to the county in which the conviction was entered to permit the defendant to assist in preparing the appeal, and this does not stay the running of the sentence.

**(c) Fine.** If the defendant appeals, the court in which judgment was entered may stay a sentence to pay a fine or a fine and costs. The court may stay the sentence on any terms considered appropriate and may require the defendant to:

(1) deposit all or part of the fine and costs with the clerk of the district court;

(2) post a bond to pay the fine and costs; or

(3) submit to an examination concerning the defendant's assets and, if appropriate, order the defendant to refrain from dissipating assets.

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



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### **Links**

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