

1 **Rule 22. Sentence, judgment and commitment.**

2 (a) Upon the entry of a plea or verdict of guilty or plea of no contest, the court shall set a time for
3 imposing sentence which shall be not less than two nor more than 45 days after the verdict or plea,
4 unless the court, with the concurrence of the defendant, otherwise orders. Pending sentence, the court
5 may commit the defendant or may continue or alter bail or recognizance.

6 Before imposing sentence the court shall afford the defendant an opportunity to make a statement
7 and to present any information in mitigation of punishment, or to show any legal cause why sentence
8 should not be imposed. The prosecuting attorney shall also be given an opportunity to present any
9 information material to the imposition of sentence.

10 (b) On the same grounds that a defendant may be tried in defendant's absence, defendant may
11 likewise be sentenced in defendant's absence. If a defendant fails to appear for sentence, a warrant for
12 defendant's arrest may be issued by the court.

13 (c)(1) Upon a verdict or plea of guilty or plea of no contest, the court shall impose sentence and shall
14 enter a judgment of conviction which shall include the plea or the verdict, if any, and the sentence.
15 Following imposition of sentence, the court shall advise the defendant of defendant's right to appeal and
16 the time within which any appeal shall be filed.

17 (c)(2) If the defendant is convicted of a misdemeanor crime of domestic violence, as defined in Utah
18 Code Section 77-36-1, the court shall advise the defendant orally or in writing that, ~~as a result of the~~
19 ~~conviction if the current case meets the criteria of 18 U.S.C. Section 921(a)(33), then pursuant to federal~~
20 law, it is unlawful for the defendant to possess, receive or transport any firearm or ammunition. The failure
21 to advise does not render the plea invalid or form the basis for withdrawal of the plea.

22 (d) When a jail or prison sentence is imposed, the court shall issue its commitment setting forth the
23 sentence. The officer delivering ~~an illegal~~ the defendant to the jail or prison shall deliver a true copy of the
24 commitment to the jail or prison and shall make the officer's return on the commitment and file it with the
25 court.

26 (e) At any time after sentencing, the court may correct a sentence or a sentence imposed in an illegal
27 manner, at any time when the sentence imposed:

28 (1) exceeds the statutorily-authorized maximums;

29 (2) is less than statutorily-required minimums;

30 (3) violates Double Jeopardy; or

31 (4) is ambiguous or internally contradictory.

32 (f) Upon a verdict or plea of guilty and mentally ill, the court shall impose sentence in accordance with
33 Title 77, Chapter 16a, Utah Code. If the court retains jurisdiction over a mentally ill offender committed to
34 the Department of Human Services as provided by Utah Code Ann. § 77-16a-202(1)(b), the court shall so
35 specify in the sentencing order.