

This is not legal advice. Please consult an attorney about your particular situation.

What is a criminal sentence modification? If you have been convicted of a crime, you may be able to modify your sentence after the trial. The sentencing judge may have the discretion to reduce your sentence or eliminate a criminal charge in certain circumstances. However, the judge is not obligated to modify your sentence. The judge also cannot increase your sentence.

WHAT SENTENCES CAN BE MODIFIED?

The court has the power to modify a criminal sentence if:

- The sentence was illegal (the terms of sentence violate a law, or, by law, no sentence should have been imposed)
- The sentence was the result of fraud
- The sentence was a mistake
- There is an irregularity in the sentence

Note that all of the above are legal determinations that you will be required to prove in court. Therefore, representation from an attorney is strongly recommended.

***MVLS does not assist with modifying sentences.**

HOW DO YOU MODIFY A SENTENCE?

File a "Motion for Reconsideration or Modification of Sentence"

- In the District Court, a motion must be filed within 90 days after imposition of a sentence. However, the motion can only be filed if an appeal has not been filed, or if an appeal has already been dismissed.
- In the Circuit Court, a motion must be filed within 90 days after imposition of a sentence whether or not an appeal has been filed.
- In most cases, the Court can only modify a sentence that was imposed within the past five years.
- If you do not file your motion within 90 days, you will lose your chance to modify the sentence. However, this does not mean that the Court will rule on the motion right away. The Court has five years to make a decision on your motion.
- A motion to modify an illegal sentence may be made at any time.

In all circumstances, the court cannot modify the sentence after 5 years.