

RULE 3.610 | MOTION FOR ARREST OF JUDGMENT; GROUNDS

The court shall grant a motion in arrest of judgment only on 1 or more of the following grounds:

- (a) The indictment or information on which the defendant was tried is so defective that it will not support a judgment of conviction.
- (b) The court is without jurisdiction of the cause.
- (c) The verdict is so uncertain that it does not appear therefrom that the jurors intended to convict the defendant of an offense of which the defendant could be convicted under the indictment or information under which the defendant was tried.
- (d) The defendant was convicted of an offense for which the defendant could not be convicted under the indictment or information under which the defendant was tried.

Committee Notes

1968 Adoption. Note that (a)(1) of the rule revamps section 920.05(2)(a) through (d), Florida Statutes, in an effort to better take into account the fact that an accusatorial writ that would not withstand a motion to quash (dismiss) might well support a judgment of conviction if no such motion is filed. See *Sinclair v. State*, 46 So.2d 453 (1950).

Note also that, where appropriate, the rule mentions “affidavit” in addition to “indictment” and “information.” The standing committee on Florida court rules questioned whether this rule is procedural or substantive and directed the subcommittee to call this fact to the attention of the supreme court.

1972 Amendment. Same as prior rule. References to trial affidavit deleted.

