

### **Rule 613. Mandate of Reviewing Court**

(a) In all cases the reviewing court shall direct the appellate or trial court to proceed in accordance with the mandate.

(b) **Reversal When Appellant Is Serving Sentence.** If in a case on appeal the appellant is serving the sentence imposed in the trial court and the judgment is reversed and appellant ordered discharged, the clerk of the reviewing court shall at once mail to the imprisoning officer, certified mail, return receipt requested, a copy of the mandate of the reviewing court. It shall be the duty of the imprisoning officer to release appellant from custody forthwith upon receiving a certified copy of the mandate of the reviewing court. If appellant is serving the sentence and the judgment is reversed and the cause remanded to the trial court for further proceedings, the clerk of the reviewing court shall at once mail to the imprisoning officer, certified mail, return receipt requested, a copy of the mandate of the reviewing court. The imprisoning officer shall forthwith, upon receiving the certified copy of the mandate of the reviewing court, return appellant to the trial court to which the cause was remanded.

(c) **Credit for Time Served Pending Appeal.** In any case in which, pending appeal, an appellant serves any portion of the sentence imposed in the trial court and the judgment of the trial court is reversed by a reviewing court and a new trial ordered, the appellant shall be given credit in any subsequent sentence for the time served pending appeal.

(d) **Mandates in Rule 604(h) Appeals.** In appeals under Rule 604(h), the clerk of the reviewing court shall transmit the mandate of the reviewing court to the circuit court five court days after the entry of judgment unless the court orders otherwise, *sua sponte* or pursuant to motion.

Amended June 26, 1987, effective August 1, 1987; amended September 22, 1997, effective immediately; [amended Feb. 6, 2013, eff. immediately](#); [amended Mar. 15, 2024, eff. Apr. 15, 2024](#).

#### Committee Comments

This is section 121-14 of the Code of Criminal Procedure of 1963, with some language changes for clarification. Although it was not part of former Rule 27, the committee recommended that it be made part of the supreme court rules in keeping with the effort to place all provisions concerning appellate practice in a single body of rules.