# I.C.R. 5.2. Transcript of Hearings - Copies for Parties

Idaho Criminal Rule 5.2. Transcript of Hearings - Copies for Parties.

(a) Transcript of proceedings. On timely motion to the district court by either the prosecuting attorney or the defendant or defendant's attorney the court shall order a typewritten transcript and copies of exhibits or affidavits to be made for such party. The cost for the preparation of such a transcript on motion of the defendant shall be at the cost of the defendant, unless the court finds the defendant to be an indigent or needy person and orders the preparation of the transcript at county expense in the same manner as a transcript on appeal. Transcripts may be requested of any hearing or proceeding before the court including the following:

(1) The record of any probable cause hearing for the issuance of a complaint, a warrant for arrest or a search warrant.

(2) The record of any preliminary hearing.

(3) The record of any hearing on a motion to suppress evidence.

(b) Listening to a recording. In the event that a record was made by a recording device, upon request by any party, the court shall order that the recorded tape or other recorded means be replayed for the benefit of counsel, and the court may fix the time and place and set the conditions under which such replay may be afforded.

(c) Preparation of transcript, costs, number of copies, filing with court and service upon parties. Whenever a transcript of a hearing or proceeding is ordered by the court to be prepared under this rule, such transcript shall be prepared in the same manner, with the same number of copies and at the same costs as a transcript in an appeal from the magistrate's division to the district court under Rule 54.1 of these rules. After the original and two copies of the transcript are lodged with the clerk of the court, the clerk shall file the original in the court file and forthwith serve the copies on the parties to the proceeding as provided by Rule 54.9, but there shall be no settlement of the transcript as provided by Rule 54.9 of these rules. In the event of a subsequent appeal, no party shall be precluded from raising objections as to the form and content of such transcript.

(d) Requesting recording in lieu of transcript. Should any counsel desire a copy of the record made by a recording device, the provisions concerning written transcripts shall be applicable to the furnishing of such copy, but the district court shall determine, in its discretion, whether a recording will be furnished in lieu of a written transcript.

(e) Certification of transcripts. All typewritten transcripts shall be duly certified by the appropriate magistrate or the clerk.

(Adopted December 27, 1979, effective July 1, 1980; amended April 3, 1981, effective July 1, 1981.)

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