I.C.R. 6.6. Indictment

Idaho Criminal Rule 6.6. Indictment.

(a) Sufficiency of Evidence to Warrant Indictment. If it appears to the grand jury after evidence has been presented to it that an offense has been committed and that there is probable cause to believe that the accused committed it, the jury ought to find an indictment. Probable cause exists when the grand jury has before it such evidence as would lead a reasonable person to believe an offense has been committed and that the accused party has probably committed the offense.

(b) Multiple Charges of Indictment. There may be two or more separate charges in a grand jury indictment, but each shall be voted upon separately by the grand jury.

(c) Finding and Return of Indictment. An indictment may be found only upon the concurrence of twelve (12) or more jurors, shall be signed by the presiding juror, and shall be returned by the grand jury to a district judge. The indictment shall be in writing and have endorsed thereupon the names of all witnesses examined before the grand jury with regard to the subject matter of the indictment.

(d) [Listing of Juror's Vote.] The presiding juror shall prepare a separate list of all jurors voting in favor and against the indictment which shall remain sealed but can be disclosed to the prosecuting attorney, the defendant and defendant's counsel by order of the court.

(e) Return of no bill. If the grand jury concludes that probable cause is lacking and no indictment shall be returned, that fact shall be placed in writing and maintained under seal by the court as part of the record of that proceeding.

(Adopted March 30, 1994, effective July 1, 1994; amended February 9, 2012, effective July 1, 2012.)

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