I.C.R. 12. Pleadings and Motions Before Trial - Form of Pleadings - Defenses and Objections.

Idaho Criminal Rule 12. Pleadings and Motions Before Trial - Form of Pleadings - Defenses and Objections.

(a) Pleadings and motions. Pleadings in criminal proceedings shall be the complaint, indictment or the information, and the pleas of guilty and not guilty. All other pleas, and demurrers and motions to quash are abolished, and the defenses and objections raised before trial which heretofore could have been raised by one or more of them shall be raised only by motion to dismiss or to grant appropriate relief as provided in these rules.

(b) Pretrial motions. Any defense objection or request which is capable of determination without trial of the general issue may be raised before the trial by motion. The following must be raised prior to trial:

(1) Defenses and objections based on defects in the prior proceedings in the prosecution; or

(2) Defenses and objections based on defects in the complaint, indictment or information (other than it fails to show jurisdiction of the court or to charge an offense which objection shall be noticed by the court at any time during the pendency of the proceedings); or

(3) Motions to suppress evidence on the ground that it was illegally obtained; or

(4) Request for discovery under Rule 16; or

(5) Request for a severance of charges or defendants under Rule 14; or

(6) Motion to dismiss based upon former jeopardy.

(c) Motions to suppress. A motion to suppress evidence shall describe the evidence sought to be suppressed and the legal basis for its suppression sufficiently to give the opposing party reasonable notice of the issues.

(d) Form of pleading and documents. Every pleading, motion, notice, or judgment or order of the court shall be typed with black ribbon or produced by a computer or word processor type printer of letter quality on white paper and contain a caption setting forth the names of the parties, the title of the district court, together with the assigned number of the action, the designation of the document or pleading and the names, addresses and phone numbers of the attorneys appearing of record for the party filing the document or pleading. All pleadings, motions, notices, judgments, or other

documents must be filed with the court and must be typed on 81/2 x 11 inch paper. The body of all such documents may be typed with double line spacing or one-and-one-half (11/2) line spacing with pica standard typing of not more than 10 letters to the inch. Every pleading shall have the name or designation thereof typed at the bottom of each page, and all attached exhibits must be legible and subject to reproduction by copying processes or be accompanied by a typewritten duplicate, and all handwritten exhibits shall be accompanied by a typewritten duplicate. The title of the court shall commence four (4) inches from the top of the first page. The name, address and telephone number of the attorney, or person appearing in propria persona, shall be typewritten or printed above the title of the court in the space to the left of the center of the page and beginning at least two (2) inches below the top edge thereof. This rule does not apply to printed forms approved by the Supreme Court or the Administrative District Judge or distributed through the Court Assistance Office in the county where the lawsuit is pending. Such forms may be completed by legibly hand-printing in black ink or by typing.

(e) Motion date. Motions pursuant to Rule 12(b) must be filed within twenty-eight (28) days after the entry of a plea of not guilty or seven (7) days before trial whichever is earlier. In felony cases, such motions must be brought on for hearing within fourteen (14) days after filing or forty-eight (48) hours before trial whichever is earlier. The court in its discretion may shorten or enlarge the time provided herein, and for good cause shown, or for excusable neglect, may relieve a party of failure to comply with this rule.

(f) Ruling on motion. A motion made before trial shall be determined before trial unless the court orders that it be deferred for determination at the trial of the general issue. Where factual issues are involved in determining a motion, the court shall state its essential findings on the record.

(g) Effect of failure to raise defenses or objections. Failure by the defendant to raise defenses or objections or to make requests which must be made prior to trial, or at the time set by the court pursuant to subsection (d), or prior to any extension thereof made by the court, shall constitute waiver thereof, but the court for cause shown may grant relief from the waiver.

(h) Records. A verbatim record shall be made of all proceedings at the hearings including such findings of fact and conclusions of law as are made orally.

(Adopted December 27, 1979, effective July 1, 1980; amended March 23, 1983, effective July 1, 1983; amended March 20, 1985, effective July 1, 1985; amended March 28, 1986, effective July 1, 1986; amended March 27, 1989, effective July 1, 1989; amended March 30, 1994, effective July 1, 1994; amended April 3, 1996, effective July 1, 1996; amended March 9, 1999, effective July 1, 1999; amended April 22, 2004, effective July 1, 2004; amended March 9, 2015, effective July 1, 2015).

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