I.C.R. 30. Instructions and Communications With Jury.

Idaho Criminal Rule 30. Instructions and Communications With Jury.

(a) Jury instructions conference. Prior to the presentation of evidence, the court may instruct the jury on the role of the court, counsel and jury, the elements of all claims in dispute and any known defenses, and any other matter it believes necessary and appropriate to aid in resolution of the issues at hand. The Court shall hold an instruction conference prior to trial to consider these initial instructions to the jury.

(b) Final Instructions. No later than five (5) days before the commencement of any trial by jury, any party may file written requests that the court instruct the jury on the law as set forth in the request. The Court may grant an exception for unanticipated issues or matters constituting fundamental errors. At the same time, copies of such requested instructions shall be furnished to all parties. The court shall inform counsel of its proposed actions upon the requested instructions and shall allow counsel a reasonable time within which to examine and make objections outside the presence of the jury to such instructions or the failure to give requested instructions. No party may assign as error the giving of or failure to give an instruction unless the party objects thereto before the jury retires to consider its verdict, stating distinctly the instruction to which the party objects and the grounds of the objection. The court shall read the instructions to the jury prior to final argument; but if all parties consent, it may read part or all of the instructions after final argument. The written instructions, or a copy thereof, shall be given to each juror to take when the jury retires for deliberation.

(c) Communications with the jury. Any request by the jury to be further informed of any point concerning the action shall be communicated to the court in writing, at which time the attorneys for the parties shall be given the opportunity to be present, if the attorney is available and can be present within a reasonable period of time, and the court in its discretion may further instruct the jury in writing or explain the instructions in open court which shall be made part of the record.

(Adopted December 27, 1979, effective July 1, 1980; amended March 28, 1986, effective July 1, 1986; amended March 1, 2000, effective July 1, 2000, amended May 4, 2001, effective July 1, 2001; amended April 22, 2004, effective July 1, 2004)

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