I.M.C.R. 6. First Appearance of Defendant - Plea of Defendant - Trial Date Notice or Continuance Notice.

Idaho Misdemeanor Criminal Rule 6. First Appearance of Defendant - Plea of Defendant - Trial Date Notice or Continuance Notice.

(a) First Appearance and Plea Before Clerk of the Court. Except as provided in Rule 5(b), the defendant shall first appear before the clerk on or before the appearance date to enter a plea to a misdemeanor citation or complaint.

(1) Continuance. If, at the first appearance, the defendant desires additional time before entering a plea to the charge, the clerk shall continue the proceeding to a time certain and issue a continuance notice to the defendant in the form prescribed in this rule.

(2) Plea of Not Guilty. If the defendant enters a plea of not guilty, the clerk shall register the same and issue to the defendant a trial date notice in the form prescribed by this rule.

(3) Plea of Guilty to Citation. If the defendant desires to enter a plea of guilty to a misdemeanor citation, and if the clerk is authorized to accept such a plea and fine under Rule 14, the clerk shall accept the plea of guilty by having the defendant sign a written plea of guilty on the face of the court's copy of the citation and collect the fine and court costs as provided by Rule 14. The defendant must first acknowledge that he has read the advice on the backside of the defendant's copy of the citation. All other pleas of guilty may be filed with the clerk, but must be accepted by the court.

(b) Plea Before the Court. The defendant shall have the right to enter a plea to a misdemeanor citation or complaint before the court. If the defendant enters a plea of not guilty, a trial date notice shall be issued to the defendant in the form provided by this rule, and the bail bond, if any, shall be set by the court. If the defendant enters a plea of guilty, the court may thereupon impose the sentence or may appoint a later time for imposing sentence.

(c) Duties of Court to Advise Defendant of Rights. At the first appearance of the defendant before the court on a uniform citation or sworn complaint, the court shall inform the defendant of his constitutional rights and the rights provided in the Idaho Criminal Rules, and these rules. Such advice of rights may be announced to all defendants at each session of court at the commencement of the court hearing, rather than advising each of the defendants individually when they come before the court. If the offense has a permissible penalty of imprisonment, or if the conviction of the offense could cause a subsequent conviction to be enhanced from a misdemeanor to a felony, then or in either of such events the defendant shall be advised that he has the right to court appointed counsel at public expense if he is indigent. If the defendant is found by the court to be entitled to court

appointed counsel, the court shall appoint such counsel unless the defendant voluntarily waives his right to counsel.

(d) Appearance by Defendant Through Attorney. Except as provided in Rule 5(b) a defendant may also appear, answer and have judgment entered through an attorney, who shall either appear in person or shall file, at or before the time for appearance, a written appearance and answer on behalf of the defendant. The court may, in its discretion, require the presence of the defendant at any stage of the proceeding not otherwise required by these rules.

(e) Trial Date Notice or Continuance Notice. Whenever a defendant is given a trial date setting or a continuance at or after the defendant's first appearance, such notice shall be given by a written notice delivered to the defendant in substantially the following form:

Click here [1] for form.

(Adopted April 18, 1983, effective July 1, 1983; amended February 10, 1993, effective July 1, 1993; amended March 9, 1999, effective July 1, 1999; amended March 5, 2002, effective July 1, 2002, amended April 2, 2010, effective April 15, 2010; amended March 18, 2011, effective July 1, 2011; amended June 20, 2013, effective July 1, 2013.)

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