

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO IDAHO)
MISDEMEANOR CRIMINAL RULE 6(c))

ORDER

The Court, having received a recommendation to amend Idaho Misdemeanor Criminal Rule 6, and being fully informed as to the recommendation:

NOW, THEREFORE, IT IS ORDERED that Idaho Misdemeanor Criminal Rule 6 be amended as follows, including the addition of a new form:

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

(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. In addition, the defendant must sign and submit the following form entitled "Notification of Rights -Misdemeanor":

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

STATE OF IDAHO
Plaintiff,

v.

Defendant.

Case No. _____

Notification of Rights - Misdemeanor

You have been charged with the misdemeanor criminal offense(s) of:

<u>Count</u>	<u>Statute</u>	<u>Charge Description</u>

It is very important that you read this notification of your rights and understand them fully before signing this document. If you have any questions concerning these rights, you may ask the judge when your case is called or consult an attorney.

Please initial each item which is fully understood; leave blank any items which you do not understand.

- ____ 1. You have the absolute right to remain silent and the privilege against self-incrimination (the State cannot force you to testify against yourself). Any statement you make is a part of the record and may be used against you.
- ____ 2. You have the right to represent yourself and present your case without the aid of an attorney.
- ____ 3. You have the right to hire your own attorney to represent you in this matter. If you wish to be represented by an attorney but feel you cannot afford one, you may apply to the Court to appoint an attorney for you, but you may be required to repay the County for the attorney fees if you plead guilty or are found guilty.
- ____ 4. Under the law, you are presumed innocent unless you plead "guilty" or are proven guilty at a court or jury trial.
- ____ 5. You may plead "not guilty", "guilty", or stand silent in which case a "not guilty" plea will be entered for you by the court.
- ____ 6. Should you plead "guilty" and admit to the charge(s) presented, you are waiving your rights and the Court will proceed in determining the appropriate sanction. The court is not bound by sentencing recommendations of either party. Should you plead "not guilty", you retain your right to a trial and the case will continue.
- ____ 7. If your case goes to trial, the burden will be upon the State to prove guilt beyond a reasonable doubt. At trial, you can question any witness who is going to testify against you and call your own witnesses to testify for you, as well as present evidence on your behalf.
- ____ 8. If you are not satisfied with the decision of the Court, you may appeal to the next higher Court, so long as your Notice of Appeal is filed within forty-two (42) days of the entry of the decision.
- ____ 9. If you are in custody, you have the following additional rights:
 - a. You have the right to communicate with your immediate family and attorney through a reasonable means provided by the jailer.

b. You have a right to bail which is an amount of money necessary to allow your release and assure your presence in Court at a future date.

____ 10. Your exercise of any of these rights shall not be held against you. If you have any questions about these rights, ask the Judge at the next hearing.

If you are on probation or parole, a plea of guilty could serve as a basis for violating your probation or parole.

A plea of guilty or a conviction of certain charges may impact your right to own or possess firearms.

A plea of guilty or a conviction may result in the loss of your driving privileges.

If you are not a citizen of the United States, and if you plead guilty or are found guilty you could be removed from the country, excluded from entering this country, and denied the opportunity to obtain legal status or become a naturalized citizen. You have the right to request additional time to consult with an Immigration Attorney before you enter your plea.

Please choose any of the following options concerning your representation in this matter:

- ☐ Yes ☐ No I wish to retain/hire my own attorney.
- ☐ Yes ☐ No I wish to apply for a court appointed attorney to represent me.
- ☐ Yes ☐ No I wish to be given a continuance:
- ☐ to decide how I would like to be represented.
- ☐ to discuss my plea with an attorney.
- ☐ Yes ☐ No I wish to waive my right to be represented by an attorney. I will represent myself.

By signing this document, I acknowledge that I have read and fully understand my rights as indicated above.

Dated

Signature of Defendant

Typed/Printed Name

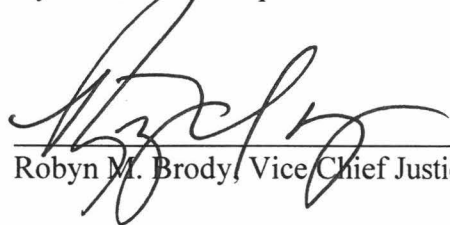
IT IS FURTHER ORDERED, that this order and these amendments shall be effective July 1, 2019.

IT IS FURTHER ORDERED, that the above designation of the addition of new portions of the Rule by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED other than the addition of the new form. The underlining shall not be considered a part of the permanent Idaho Misdemeanor Criminal Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

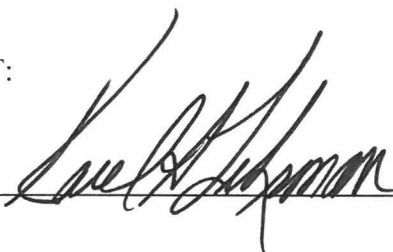
DATED this 14th day of May, 2019.

By Order of the Supreme Court



Robyn M. Brody, Vice Chief Justice

ATTEST:

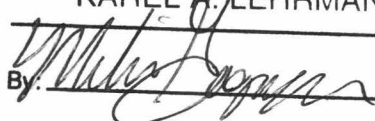

Clerk

I, Karel A. Lehrman, Clerk of the Supreme Court/ Court of Appeals of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.

WITNESS my hand and the Seal of this Court 5-14-19

KAREL A. LEHRMAN

Clerk

By:  Chief Deputy