

I.A.R. 31. Exhibits, Recordings and Documents

Idaho Appellate Rule 31. Exhibits, Recordings and Documents.

(a) Lodging with Supreme Court. The clerk of the district court or administrative agency shall lodge all of the following exhibits, recordings and documents with the Supreme Court:

(1) Copies of all requested documents, charts and pictures offered or admitted as exhibits in a trial or hearing in a civil case and copies of all documents, charts and pictures offered or admitted as exhibits in a trial or hearing in a criminal case, except that pictures or depictions of child pornography shall not be copied and sent to the parties or the Supreme Court unless specifically ordered by the court. Documentary exhibits in pdf format may be sent to the Supreme Court on a CD that includes an index. All other exhibits shall be retained by the clerk of the district court or administrative agency, unless otherwise ordered by the Supreme Court. The clerk shall forward to the Supreme Court photographs of all other exhibits in death penalty cases. Upon the request of a party in other cases, the clerk shall forward to the Supreme Court photographs of designated exhibits.

(2) All records and transcripts filed with the district court or administrative agency.

(3) All transcripts from the magistrate's division of the district court.

(4) All audio and audio-visual recordings offered or played during the proceedings.

(b) Documentary Exhibits. In any criminal or post-conviction case where a documentary exhibit, including a pre-sentence report, is transmitted to the Supreme Court for use in an appellate proceeding, the district court shall serve a copy of the documentary exhibit on the attorney general and on appellate counsel for the defendant, subject to the confidentiality provisions of I.C.A.R. 32. Copies of documentary exhibits in pdf format may be sent on a CD that includes an index. However, pictures or depictions of child pornography that are separately identified pursuant to I.C.R. 32(e)(1) shall not be transmitted to the parties or the Supreme Court unless specifically requested.

(c) Certificate of Clerk or Secretary. The clerk, secretary, or the officer responsible for collecting exhibits offered or admitted at the trial or hearing shall file a certificate with the Supreme Court certifying the exhibits, recordings and copies of documents which have been lodged with the Supreme Court, specifically identifying each item lodged, and listing and describing those exhibits which are retained by the clerk or secretary. In the event there are no exhibits to be lodged with the Supreme Court, the certificate shall specifically state that no exhibits were lodged.

(d) Time for Lodging. Unless otherwise directed by the Supreme Court, the above exhibits, recordings and documents shall be lodged with the Supreme Court at or before the time that the reporter's transcript and clerk's record are lodged with the Supreme Court.

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(e) Disposition of Exhibits. Unless otherwise ordered by the Supreme Court under Rule 31.1, the Supreme Court will retain the exhibits until ninety (90) days after final determination of the appeal, at which point the court will then return all original exhibits and retain an electronic copy of all documentary exhibits.

(Adopted June 15, 1987, effective November 1, 1987; amended March 27, 1989, effective July 1, 1989; amended March 18, 1998, effective July 1, 1998; amended November 17, 1999, effective December 1, 1999; amended March 22, 2002, effective July 1, 2002; amended April 7, 2008, effective July 1, 2008; amended March 19, 2009, effective July 1, 2009, amended March 29, 2010, effective July 1, 2010; amended November 20, 2012, effective January 1, 2013.)

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