

I.A.R. 45.1 Criminal appeals - Counsel on appeal

Rule 45.1. Criminal appeals - Counsel on appeal.

(a) Right of Counsel on Appeal. The determination of whether a defendant in a criminal prosecution is entitled to court appointed counsel on appeal shall first be made by the trial court upon application of the defendant, or upon the trial court's own motion, either before or after a notice of appeal has been filed. If the application is denied by the trial court, the defendant may apply to the Supreme Court for an order directing the trial court to appoint counsel. An application for counsel on appeal may be treated as a notice of appeal.

(b) Trial Defense Counsel to Continue Representation on Appeal. A court appointed trial defense counsel of an indigent defendant shall continue to represent the defendant on an appeal, if any, unless granted leave to withdraw as counsel by order of the district court for good cause shown before the filing of a notice of appeal. In the event of the withdrawal of trial defense counsel, the district court shall appoint new counsel for the indigent defendant if the defendant desires to appeal.

(Adopted March 24, 1982, effective July 1, 1982.)

Source URL: <https://isc.idaho.gov/iar45-1>