

## **I.C.R. 5.2. Transcript of Hearings - Copies for Parties**

### **Idaho Criminal Rule 5.2. Transcript of Hearings - Copies for Parties**

**(a) Transcript of Proceedings.** On timely motion to the district court by either the prosecuting attorney or the defendant or defendant's attorney the court must order a printed transcript and copies of exhibits or affidavits to be made for the party. The cost for the preparation of a transcript on motion of the defendant must be paid by the defendant, unless the court finds the defendant to be indigent and orders the preparation of the transcript at county expense in the same manner as a transcript on appeal. Transcripts may be requested of any hearing or proceeding before the court including the following:

(1) the record of any probable cause hearing for the issuance of a complaint, a warrant for arrest or a search warrant;

(2) the record of any preliminary hearing; or

(3) the record of any hearing on a motion to suppress evidence.

**(b) Listening to a Recording.** In the event that a record was made by a recording device, on request by any party, the court must order that the recording be replayed, and the court may set the time, place and conditions for the replay.

**(c) Preparation of Transcript, Costs, Number of Copies, Filing with Court and Service on Parties.** Whenever a transcript of a hearing or proceeding is ordered by the court to be prepared under this rule, the transcript must be prepared in the same manner, with the same number of copies and at the same costs as a transcript in an appeal from the magistrate's division to the district court under Rule 54 of these rules. After the original and two copies of the transcript are lodged with the clerk of the court, the clerk must file the original in the court file and immediately serve the copies on the parties to the proceeding as provided by Rule 54(i). There will be no settlement of the transcript as provided by Rule 54(i). In the event of a subsequent appeal, no party may be precluded from raising objections as to the form and content of the transcript.

**(d) Requesting Transcript of Recording.** The provisions concerning written transcripts are also applicable to requests for a transcript of a record made by a recording device, but the district court may determine that a copy of the recording will be furnished instead of a written transcript.

**(e) Certification of Transcripts.** All transcripts must be certified by the appropriate magistrate or the clerk.

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