

I.C.R. 6.5. Indictment

Idaho Criminal Rule 6.5. Indictment

(a) Sufficiency of Evidence to Warrant Indictment. If the grand jury finds, after evidence has been presented to it, that an offense has been committed and that there is probable cause to believe that the accused committed it, the jury ought to find an indictment. Probable cause exists when the grand jury has before it evidence that would lead a reasonable person to believe an offense has been committed and that the accused party has probably committed the offense.

(b) Multiple Charges of Indictment. There may be two or more separate charges in a grand jury indictment, but each must be voted on separately by the grand jury.

(c) Finding and Return of Indictment. An indictment may be found only by agreement of 12 or more jurors. It must be signed by the presiding juror and must be returned by the grand jury to a district judge. The indictment must be in writing and have endorsed on it the names of all witnesses examined before the grand jury about the subject matter of the indictment.

(d) List of Jurors' Votes. The presiding juror must prepare separate lists of all jurors voting in favor of and jurors voting against the indictment. The lists must remain sealed but may be disclosed to the prosecuting attorney, the defendant and defendant's counsel by order of the court.

(e) Return of No Bill. If the grand jury concludes that there is no probable cause and that no indictment will be returned, that fact must be placed in writing and maintained under seal by the court as part of the record of that proceeding.

(Adopted February 22, 2017, effective July 1, 2017.)

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