

## **I.C.R. 20. Transfer From the County for Plea and Sentence.**

### **Idaho Criminal Rule 20. Transfer from the County for Plea and Sentence.**

**(a) Consent to Transfer.** A prosecution may be transferred from the county where the complaint, information or indictment is pending to the county where the defendant is arrested, held, or present if:

(1) the defendant states in writing a wish to plead guilty and consents in writing to the court's disposing of the case in the county where the defendant was arrested, is held or is present; and

(2) the prosecuting attorneys from each county involved, as well as the trial court where the case is pending, approve the transfer in writing.

**(b) Clerk's Duties.** After receiving the defendant's statement and the required approvals, the clerk of the court in the county where the complaint, information, or indictment is pending must send the file, or a certified copy, to the clerk in the county where the prosecution is transferred.

**(c) Effect of Not Guilty Plea or Failure to Abide by Conditions of Transfer.** If the defendant pleads not guilty or fails to abide by the conditions of the transfer after the case has been transferred under subsection (a) of this rule, the clerk must return the papers to the court where the prosecution began, and that court must restore the proceeding to its docket. The defendant's statement that the defendant wished to plead guilty must not be used against the defendant.

**(d) Summons.** For the purpose of initiating a transfer under this rule a person who appeared in response to the summons issued under Rule 4 is treated as if that person had been arrested or held on a warrant in the county of the appearance.

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

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