



## **I.C.R. 23. Trial by Jury or by the Court - Waiver of Jury - Number of Jurors.**

### **Idaho Criminal Rule 23. Trial by Jury or by the Court; Waiver of Jury; Number of Jurors**

**(a) Felony Cases.** In felony cases issues of fact must be tried by a jury, unless, in open court, a trial by jury is waived in writing by the defendant and the consent of the prosecutor is expressed and entered in the minutes.

**(b) Misdemeanor Cases.** In criminal cases not amounting to a felony, issues of fact must be tried by a jury, unless a trial by jury is waived by the consent of both parties expressed in open court and entered in the minutes.

**(c) Number of Jurors.** In a felony case the jury must consist of 12 jurors. In a misdemeanor case the jury must consist of six jurors. However, if felony and misdemeanor charges are charged together in the same information or indictment in a consolidated case, as provided in Rule 8(a), and at least one felony and one misdemeanor will be tried together before the jury, they must be tried before the same 12-person jury.

([Adopted February 22, 2017, effective July 1, 2017](#) [1].)

**Source URL:** <https://isc.idaho.gov/icr23>

#### **Links**

[1] <https://isc.idaho.gov/./rules/ICR/ICR-19-24.1-Adoption-of-Newly-Formatted-ICR-022217.pdf>