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 a trial by jury is waived by a written waiver executed by the defendant in open court with the consent of the prosecutor expressed in open court 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 shall consist of twelve (12) jurors. In a misdemeanor case the jury shall consist of six (6) jurors. However, if felony and misdemeanor charges are charged together in the same information or indictment in a consolidated case, as provided in I.C.R. 8(a), and at least one (1) felony and one (1) misdemeanor will be tried together before the jury, they shall be tried before the same twelve-person jury.

(Adopted March 28, 1986, effective July 1, 1986; amended March 9, 2015, effective July 1, 2015.)

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