

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.)

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