



I.C.R. 25.1. Death or Disability of Judge

Idaho Criminal Rule 25.1. Death or Disability of Judge

(a) During Trial. Any qualified judge may, on agreement of the parties, complete a jury trial if:

(1) the judge before whom the trial began cannot proceed because of death, sickness, or other disability; and

(2) the judge completing the trial certifies familiarity with the trial record.

If the parties do not agree to a substitute judge, the administrative district judge must order a new trial.

(b) After Verdict or Finding of Guilty.

(1) *In General.* After a verdict or finding of guilty, any qualified judge may complete the court's duties if the judge who presided at trial cannot perform those duties because of death, sickness, or other disability.

(2) *Granting a New Trial.* The successor judge may grant a new trial if satisfied that:

(A) a judge other than the one who presided at the trial cannot perform the post-trial duties; or

(B) a new trial is necessary for some other reason.

(Adopted February 22, 2017, effective July 1, 2017; amended September 14, 2017, effective January 1, 2018.)

