



I.C.R. 31. Jury Verdict.

Idaho Criminal Rule 31. Jury Verdict

(a) Return. The jury must return its verdict to a judge in open court. The verdict must be unanimous.

(b) Partial Verdicts, Mistrial and Retrial.

(1) *Multiple Defendants.* If there are multiple defendants, the jury may return a verdict at any time during deliberation as to any defendant about whom it has agreed. If the jury cannot agree with respect to all, the defendant or defendants as to whom it does not agree may be tried again.

(2) *Multiple Counts.* If the jury cannot agree on all counts as to any defendant, the jury may return a verdict on those counts on which it has agreed and the court may declare a mistrial as to the other counts. The prosecution may retry any defendant on any count on which the jury could not agree.

(c) Lesser Offense or Attempt. A defendant may be found guilty of any of the following:

(1) an offense necessarily included in the offense charged;

(2) an attempt to commit the offense charged; or

(3) an attempt to commit an offense necessarily included in the offense charged, if the attempt is an offense in its own right.

(d) Poll of Jury. After a verdict is returned but before the jury is discharged, the court must on a party's request, or may on its own, poll the jurors. If the poll reveals a lack of unanimity, the court may direct the jury to deliberate further or may declare a mistrial and discharge the jury.

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



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