

## **I.C.R. 33.1 Procedure Where Death Penalty is Authorized and Jury is Waived for Special Sentencing Proceeding**

### **Idaho Criminal Rule 33.1. Sentencing Procedure When Death Penalty is Authorized and Jury is Waived**

**(a) Findings of the Court in Capital Offenses.** In special sentencing proceedings in capital cases in which a jury has been waived, the court must make written findings as required by Idaho Code § 19-2515(8)(b). The court must serve copies of these written findings on the defendant or defendant's counsel and the prosecuting attorney.

**(b) Form of Findings.** The written findings of the trial court after the special sentencing proceeding must be in substantially the form found in Appendix A.

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

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