

I.C.R. 43.2. Forensic Testimony by Video Teleconference

Idaho Criminal Rule 43.2. Forensic Testimony by Video Teleconference

Forensic testimony may be offered by video teleconference. For testimony by video teleconference to be admissible:

(a) Witness Visible to Participants. The forensic scientist must be visible to the court, defendant, counsel, jury, and others physically present in the courtroom.

(1) The court and the forensic scientist must be able to see and hear each other simultaneously and communicate with each other during the proceeding.

(2) The defendant, counsel from both sides, and the forensic scientist must be able to see and hear each other simultaneously and communicate with each other during the proceeding.

(3) A defendant who is represented by counsel must be able to consult privately with defense counsel during the proceeding.

(b) Written Notice Required. The party intending to submit testimony by video teleconference must give written notice to the court and opposing party 28 days before the proceeding date.

(c) Written Notice of Objection or Affirmative Consent. A party opposing the giving of testimony by video teleconference must give the court and opposing party written notification of objection or affirmative consent at least 14 days before the proceeding date.

(d) Party Responsible for Coordinating. The party seeking to introduce testimony by video teleconference is responsible for coordinating the audiovisual feed into the courtroom. Nothing in this rule requires court personnel to assist in the preparation or presentation of the testimony provided by the provisions of this rule.

The testimony must be recorded in the same manner as any other testimony in the proceeding.

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

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