I.C.R. 43.3. Forensic Testimony by Video Teleconference.

Idaho Criminal Rule 43.3. Forensic Testimony by Video Teleconference.

Forensic testimony may be offered by video teleconference via simultaneous electronic transmission. For testimony via video teleconference to be admissible:

1) The forensic scientist must be visible to the court, defendant, counsel, jury, and others physically present in the courtroom.

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

b. 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.

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

2) The party intending to submit testimony via video teleconference shall give written notice to the court and opposing party twenty eight (28) days in advance of the proceeding date.

3) A party in opposition to testimony being given via video teleconference shall give the court and opposing party written notification of his or her objection or affirmative consent no later than fourteen (14) days prior to the proceeding date.

4) The party seeking to introduce testimony via video teleconference shall be responsible for coordinating the audiovisual feed into the courtroom. Nothing in this rule shall be construed to require court personnel to assist in the preparation or presentation of the testimony provided by the provisions of this rule.

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

(Adopted March 18, 2011, effective July 1, 2011.)

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