



I.C.R. 44.3. Standards for the Qualification of Appointed Counsel in Capital Cases.

Rule 44.3. Standards for the Qualification of Appointed Counsel in Capital Cases

(a) Applicability. The provisions for the appointment of counsel in this rule apply only in cases where (1) the defendant is indigent, as defined in Chapter 60, Title 19, Idaho Code, (2) counsel is not privately retained by or for the defendant, and (3) the death penalty may be or has been imposed on the defendant.

(b) Number of Attorneys Per Case.

In a case in which the death penalty may be imposed:

(1) At the initial appearance in the magistrate division, the trial court must appoint the State Public Defender, who must assign an attorney with experience representing defendants in felony cases to represent an indigent defendant.

(2) Within fourteen days of the initial appearance in the magistrate division, or in the district court on an indictment, the trial court must appoint the State Public Defender, who must assign two qualified trial attorneys to represent an indigent defendant.

(3) One appointed attorney must be designated "lead counsel" and the second as "co-counsel."

(c) Attorney Qualifications. Attorneys representing indigent defendants pursuant to Idaho Criminal Rules 44.2(a) and 44.3(b)(2) must be selected by the State Public Defender or the State Appellate Public Defender, as appropriate, who must ensure that such attorneys are qualified to provide team representation to individuals charged with an offense or offenses punishable by a sentence of death and that such representation meets applicable indigent defense standards.

([Adopted January 26, 2022, effective February 1, 2022](#) [1]; ([amended June 8, 2022, July 1, 2022](#) [2]; [amended November 1, 2024, effective November 1, 2024](#) [3].)



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Links

[1] <https://isc.idaho.gov/./rules/ICR/ICR-44.3a-Adoption-Revised-ICR-44.2-44.3-eff-February-1-2022.pdf>

[2] <https://isc.idaho.gov/./rules/ICR/ICR-44.3b-Amendment-ICR-44.3-eff-July-1-2022.pdf>

[3] <https://isc.idaho.gov/./rules/ICR/ICR-44.3c-Amendments-ICR-10-12.2-44.2-44.3-eff-Nov-1-2024.pdf>