

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT TO IDAHO
CRIMINAL RULE 44.3

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ORDER

The Court, having received a recommendation to amend Idaho Criminal Rule 44.3, and being fully informed:

NOW, THEREFORE, IT IS ORDERED the Idaho Criminal Rules be amended as follows:

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

(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, ~~two qualified trial attorneys an attorney with experience representing defendants in felony cases and selected from the Idaho State Public Defense Commission Public Defense Roster~~ must be appointed 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, two qualified trial attorneys must be appointed to represent an indigent defendant.
- (3) One appointed attorney must be designated “lead counsel” and the second as “co-counsel.”

(c) Attorney Qualifications. Attorneys appointed pursuant to Idaho Criminal Rules 44.2(a) and 44.3(b)(2) ~~Courts~~ must be selected from the Idaho State Public Defense Commission Capital Defending Attorney Roster.

IT IS FURTHER ORDERED, that this order and this amendment shall be effective July 1, 2022.

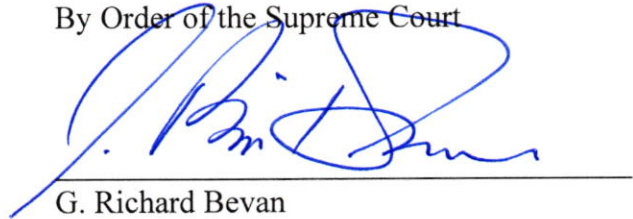
IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER

AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Criminal Rules.

IT IS FURTHER ORDERED, that notice of this Order shall be published for three consecutive weeks on the Idaho State Bar's website and in its weekly E-Bulletin, and that as soon as practicable, a summary of the amendment(s) effected by this Order shall be published in one issue of *The Advocate*.

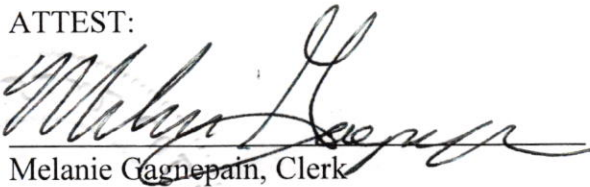
DATED this 27th day of June, 2022.

By Order of the Supreme Court



G. Richard Bevan
Chief Justice, Idaho Supreme Court

ATTEST:



Melanie Gagnepain, Clerk