

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENT TO IDAHO CRIMINAL  
RULE 25

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)  
ORDER

The Court, having received a recommendation to amend the Idaho Criminal Rules, and being fully informed as to the recommendation:

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

## **Idaho Criminal Rule 25. Disqualification of Judge**

**(a) Disqualification of Judge Without Cause.** In all felony and misdemeanor criminal actions, except actions before drug courts or mental health courts, the parties each have the right to one disqualification without cause of the judge, except as provided in this rule, under the following conditions and procedures:

(1) *Motion to Disqualify.* In any felony or misdemeanor criminal action, excluding actions before drug courts or mental health courts, any party may disqualify one judge by filing a motion for disqualification without stating any grounds, and the motion must be granted if timely filed. Each party in a felony prosecution will have one disqualification without cause of the magistrate appointed to hear the preliminary hearing and another disqualification without cause of the district judge appointed to hear the trial of the action.

\* \* \*

IT IS FURTHER ORDERED, that this order and these amendments shall be effective immediately.

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 the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 21<sup>st</sup> day of April, 2020.

By Order of the Supreme Court

Roger S. Burdick  
Roger S. Burdick, Chief Justice

ATTEST:

Karel A. Lehrman  
Clerk

I, Karel A. Lehrman, Clerk of the Supreme Court/  
Court of Appeals of the State of Idaho, do hereby  
certify that the above is a true and correct copy of  
the Order TARC Amendment to FCR 25  
entered in the above entitled cause and now on  
record in my office.  
WITNESS my hand and the Seal of this Court 4-21-20

KAREL A. LEHRMAN Clerk

By: [Signature] Chief Deputy