

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO RULE 33.1 AND )  
APPENDIX A OF THE IDAHO CRIMINAL )  
RULES )  
\_\_\_\_\_ )

ORDER

The Court, having received a recommendation to amend Rule 33.1 and Appendix A of the Idaho Criminal Rules, and the Court being fully informed,

IT IS ORDERED that Rule 33.1 of the Idaho Criminal Rules is amended as follows:

**Idaho Criminal Rule 33.1. Sentencing Procedure When Death Penalty is Authorized and Jury is Waived**

(a) **Findings of the Court in Capital Offenses.** In special sentencing proceedings in capital cases in which a jury has been waived, the court must make written findings as required by Idaho Code § 19-2515(8)(b). The court must serve copies of these written findings on the defendant or defendant's counsel and the prosecuting attorney.

(b) **Form of Findings.** The written findings of the trial court after the special sentencing proceeding must be ~~in substantially the form found in Appendix A~~made on a form approved by the Supreme Court.

IT IS FURTHER ORDERED that the form titled "FINDINGS OF THE COURT IN CONSIDERING DEATH PENALTY UNDER SECTION 19-2515, IDAHO CODE," be removed from Appendix A of the Idaho Criminal Rules.

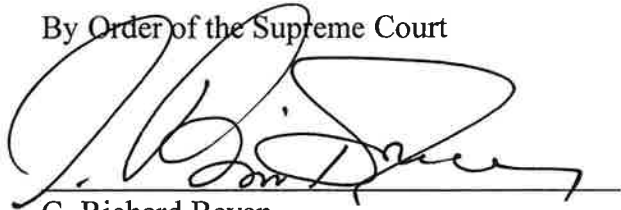
IT IS FURTHER ORDERED that this order and these amendments shall be effective immediately.

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 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 12<sup>th</sup> day of August, 2025.

By Order of the Supreme Court



G. Richard Bevan  
Chief Justice, Idaho Supreme Court

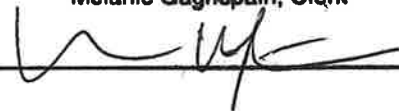
ATTEST:

  
Melanie Gagnepain, Clerk

I, Melanie Gagnepain, 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 entered in the above entitled  
cause and now on record in my office. WITNESS my  
hand and the Seal of this Court 8-1-25

Melanie Gagnepain, Clerk

By



Deputy