I.C.R. 20. Transfer From the County for Plea and Sentence.

Idaho Criminal Rule 20. Transfer From the County for Plea and Sentence.

(a) Complaint or indictment or information pending. A defendant arrested, held, or present in a county other than that in which the complaint, information, or indictment is pending against the defendant may state in writing that the defendant wishes to plead guilty to the complaint, information, or indictment which is pending and to consent to disposition of the case in the county in which the defendant was arrested, or is held, or is present, subject to the approval of the transfer by the prosecuting attorney from each county involved and the trial court where the case is pending.

(b) Clerk's duties. Upon receipt of the defendant's request and consent and of the written approval of the prosecuting attorneys, and the trial court where the case is pending, the clerk of the court in which the complaint is pending shall transfer the papers and the proceeding or certified copies thereof to the clerk of the court for the county in which the defendant was arrested, or is held or is present; and the prosecution shall continue in that county.

(c) Effect of not guilty plea or failure to abide by conditions of transfer. If after the proceeding has been transferred pursuant to subsection (a) of this rule the defendant pleads not guilty or fails to abide by the conditions of the transfer, if any, the clerk shall return the papers to the court in which the prosecution was commenced and the proceeding shall be restored to the docket of the court. The defendant's statement that the defendant wished to plead guilty shall not be used against the defendant.

(d) Summons. For the purpose of initiating a transfer under this rule a person who appeared in response to the summons issued under Rule 4 shall be treated as if that person had been arrested or held on a warrant in the county of such appearance.

(Adopted December 27, 1979, effective July 1, 1980; amended April 22, 2004, effective July 1, 2004.)

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