I.I.R. 3. Citable Offenses - Methods of Initiating - Trial - Consolidation.

Idaho Infraction Rule 3. Citable Offenses - Methods of Initiating - Trial - Consolidation.

(a) Use of Citation. The complaint in a citation may be used as the complaint to prosecute an infraction offense.

(b) Use of Complaint. A written complaint signed or witnessed by a peace officer, which need not be a sworn complaint, may be used to prosecute an infraction offense.

(c) Trial on Citation, Amendments. If a defendant enters a denial to a citation, a trial may be held on the complaint contained in the citation without a separate written complaint. The court may amend, or permit to be amended, any process or pleading at any time before the state rests. If an amendment of a citation or complaint is made, the court may, in its discretion, grant a continuance of the trial for good cause.

(d) Infraction Offenses Charged in Each Citation, Consolidation of Trials. Only one person may be charged by the complaint of a single citation, but more than one infraction may be charged in one citation. An infraction may not be charged with a misdemeanor in a citation. Provided, if the offenses charged by separate citation complaints or other complaints are of the same or similar character, or are based on the same act or transaction or connected series of acts or transactions, or are based on two or more acts or transactions constituting part of a common scheme or plan, the separate complaints may be consolidated by the court upon motion of any party or upon the court's own initiative.

(Adopted March 23, 1983, effective July 1, 1983; amended March 20, 1991, effective July 1, 1991; amended April 4, 2008, effective July 1, 2008)

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