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

Idaho Misdemeanor Criminal Rule 3. Citable Offenses - Methods of Initiating Prosecution - Trial - Consolidation.

(a) Charging a citable offense. A person may be charged and brought before a court for any citable offense upon the filing of an Idaho Uniform Citation as provided by these rules.

(b) Use of citation. The complaint in a uniform citation may be used as the complaint to prosecute a misdemeanor, whether or not there is an arrest without a warrant, an arrest pursuant to a warrant issued on a uniform citation, or a complaint and summons to appear by a uniform citation.

(c) Determination of probable cause. In the event a defendant is arrested without a warrant, or appears pursuant to a summons, or in the event application is made for the issuance of a warrant pursuant to a uniform citation or sworn complaint, the determination of whether there is probable cause that an offense has been committed and probable cause that the defendant committed it shall be made at the time and in the manner prescribed by Rules 4 and 5 of the Idaho Criminal Rules.

(d) Trial of uniform citation, demand for sworn complaint, amendments. In the event of a plea of not guilty to a uniform citation, a trial may be held on the complaint contained in the citation without making a sworn complaint, unless a sworn complaint is demanded by any party within 28 days after the entry of a plea of not guilty or 7 days before trial, which ever is earlier. The court may amend or permit to be amended any process or pleading at any time before the prosecution rests including the alleging of a lesser included offense, but no greater or different offense may be charged if substantial rights of the defendant are prejudiced. If an amendment of a citation complaint is made, the court may, in its discretion, grant a continuance of the trial for good cause.

(e) Offenses charged in each citation, consolidation of trials. Only one person may be charged by a complaint of a single citation, but more than one misdemeanor may be charged in one citation. A misdemeanor may not be charged with an infraction 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 transactions, or are based on two or more acts or transactions connected together or 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 December 27, 1979, effective July 1, 1980; amended March 20, 1991, effective July 1, 1991; amended March 18, 1998, effective July 1, 1998; amended April 4, 2008, effective July 1, 2008)

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