



I.C.R. 44.3. Standards for the Qualification of Appointed Counsel in Capital Cases.

Rule 44.3. Standards for the Qualification of Appointed Counsel in Capital Cases

(a) Applicability. The provisions for the appointment of counsel in this rule apply only in cases where (1) the defendant is needy, as defined in Idaho Code § 19-851 et seq., (2) counsel is not privately retained by or for the defendant, and (3) the death penalty may be or has been imposed on the defendant.

(b) Number of Attorneys Per Case.

In a case in which the death penalty may be imposed:

(1) At the initial appearance in the magistrate division, an attorney with experience representing defendants in felony cases and selected from the Idaho State Public Defense Commission Public Defense Roster must be appointed to represent an indigent defendant.

(2) Within fourteen days of the initial appearance in the magistrate division, or in the district court on an indictment, two qualified trial attorneys must be appointed to represent an indigent defendant.

(3) One appointed attorney must be designated "lead counsel" and the second as "co-counsel."

(c) Attorney Qualifications. Attorneys appointed pursuant to Idaho Criminal Rules 44.2(a) and 44.3(b)(2) must be selected from the Idaho State Public Defense Commission Capital Defending Attorney Roster.

(Adopted January 26, 2022, effective February 1, 2022; amended June 8, 2022, July 1, 2022.)

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