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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO

In the Matter of Ordering)
the Release of Defendants)
Held in Excess of 48 Hours)
on a Warrantless Arrest)

Administrative
Order
91-12

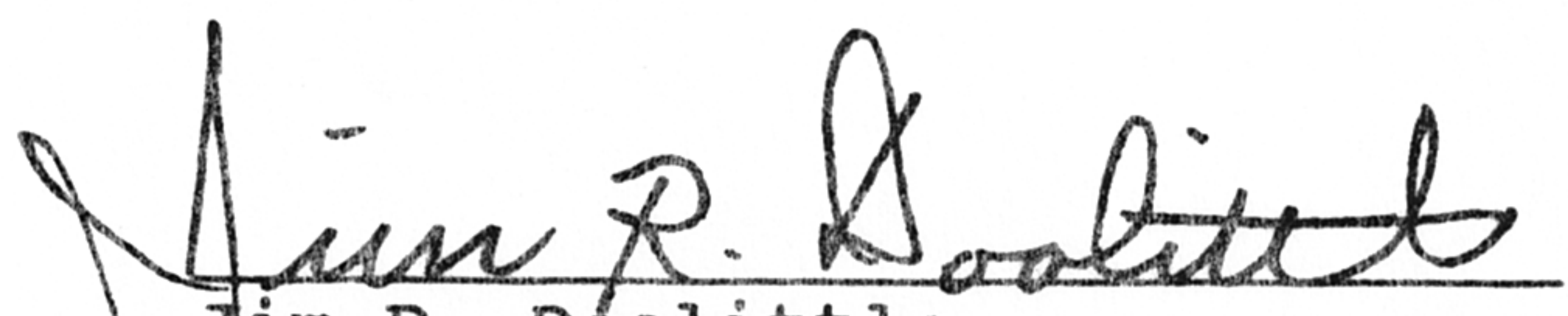
WHEREAS, the United States Supreme Court has held in a case entitled County of Riverside v. McLaughlin, 111 S. Ct. 1661 (May 13, 1991), 114 L.Ed.2d 49, 59 U.S.L.W. 4413, that a defendant arrested without a warrant must be released from custody unless granted a probable cause hearing within forty-eight (48) hours of the arrest, including Saturdays, Sundays, and holidays, and;

WHEREAS, the Idaho Supreme Court has amended Rule 5(c) of the Idaho Criminal Rules to incorporate the holding in County of Riverside v. McLaughlin;

IT IS HEREBY ORDERED that no law enforcement agency of this judicial district shall hold a defendant in custody more than forty-eight (48) hours after a warrantless arrest unless a probable cause hearing is held and probable cause is found. Provided, however, that nothing in this order shall prevent a defendant arrested pursuant to a warrant duly issued in any other case from being held pursuant to that warrant.

IT IS FURTHER ORDERED that jail personnel in the Third Judicial District shall accept oral notification from a magistrate that a probable cause finding has been made. Written notification of the magistrate's probable cause finding to jail personnel in counties outside the magistrate's home county shall be made via fax on the next working day.

Dated this 20th day of September, 1991.


Jim R. Doolittle
Administrative District Judge
Third Judicial District