

Rule 250(4)(c) Notice of intent after filing of indictment or information.

No later than 30 days after the filing of an information or indictment, the state must file in the district court a notice of intent to seek the death penalty. The notice must allege all aggravating circumstances which the state intends to prove and allege with specificity the facts on which the state will rely to prove each aggravating circumstance. *A defendant may extend the time in which the state must file a notice of intent to seek death penalty by filing a written waiver no later than 30 days after the filing of an information or indictment.¹ If a written waiver has been filed, the state must file a written reservation of the right to seek the death penalty no later than 30 days after the filing of the waiver and a notice of intent to seek death penalty no later than 180 days after the filing of the waiver.*

¹ *The purpose of allowing for this waiver is to provide additional time for the gathering and consideration of potential mitigation evidence. Mitigation evidence gathered may be provided to the State at the defendant's discretion.*