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## **I.R.E. 410. Inadmissibility of Pleas, Plea Discussions, and Related Statements.**

### **Idaho Rules of Evidence Rule 410. Pleas, Plea Discussions, and Related Statements.**

**(a) Prohibited Uses.** In a civil or criminal case, evidence of the following is not admissible against the defendant who made the plea or was a participant in the plea discussions:

- (1) a guilty plea that was later withdrawn;
- (2) a nolo contendere plea;
- (3) a statement made during a proceeding on either of those pleas under Idaho Criminal Rule 11 or a comparable federal or state procedure; or
- (4) a statement made during plea discussions with an attorney for the prosecuting authority if the discussions did not result in a guilty plea or they resulted in a later-withdrawn guilty plea.

**(b) Exceptions.** The court may admit a statement described in Rule 410(a)(3) or (4):

- (1) in any proceeding in which another statement made during the same plea or plea discussions has been introduced, if in fairness the statements ought to be considered together; or
- (2) in a criminal proceeding for perjury or false statement, if the defendant made the statement under oath, on the record, and with counsel present; or
- (3) under subsection (a)(3) above, in the same criminal action or proceeding for impeachment purposes.



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Published on Supreme Court (<https://isc.idaho.gov>)

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(Adopted March 26, 2018, effective July 1, 2018; amended January 13, 2021, effective January 13, 2021.)

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**Source URL:** <https://isc.idaho.gov/ire410>