



I.R.E. 1004. Admissibility of Other Evidence of Contents.

Idaho Rules of Evidence Rule 1004. Admissibility of Other Evidence of Content.

An original is not required and other evidence of the content of a writing, recording, or photograph is admissible if:

- (a)** all the originals are lost or destroyed, and not by the proponent acting in bad faith;

- (b)** an original cannot be obtained by any reasonably practicable, available judicial process;

- (c)** the party against whom the original would be offered had control of the original; was at that time put on notice, by pleadings or otherwise, that the original would be a subject of proof at the trial or hearing; and fails to produce it at the trial or hearing; or

- (d)** the writing, recording, or photograph is not closely related to a controlling issue.

(Adopted March 26, 2018, effective July 1, 2018.)

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