

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

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

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

- (1) Originals lost or destroyed. All originals are lost or have been destroyed, unless the proponent lost or destroyed them in bad faith; or

- (2) Original not obtainable. No original can be obtained by any reasonably practicable, available judicial process or procedure; or

- (3) Original in possession of opponent. At a time when an original was under the control of the party against whom offered, that party was put on notice, by the pleadings or otherwise, that the contents would be a subject of proof at the hearing; and the party does not produce the original at the hearing; or

- (4) Collateral matters. The writing, recording, or photograph is not closely related to a controlling issue.

(Adopted January 8, 1985, effective July 1, 1985.)

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