



## **I.R.E. 1008. Functions of Court and Jury.**

### **Idaho Rules of Evidence Rule 1008. Functions of the Court and Jury.**

Ordinarily, the court determines whether the proponent has fulfilled the factual conditions for admitting other evidence of the content of a writing, recording, or photograph under Rule 1004 or 1005. But in a jury trial, the jury determines – in accordance with Rule 104(b) – any issue about whether:

- (a)** an asserted writing, recording, or photograph ever existed;
- (b)** another one produced at the trial or hearing is the original; or
- (c)** other evidence of content accurately reflects the content.

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

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