



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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