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

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

(a) Inadmissibility. Except as otherwise provided in this rule, evidence of the following is not, in any civil or criminal proceeding, admissible against the defendant who made the plea or was a participant in the plea discussions:

(1) a plea of guilty which was later withdrawn;

(2) a plea of nolo contendere;

(3) any statement made in the course of any proceedings under Rule 11 of the Idaho Rules of Criminal Procedure or comparable Federal or state procedure regarding either of the foregoing pleas; or

(4) any statement made in the course of plea discussions with an attorney for the prosecuting authority which do not result in a plea of guilty or which result in a plea of guilty later withdrawn.

(b) Exceptions. Notwithstanding the foregoing, such a statement is admissible:

(1) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought in fairness be considered contemporaneously with it; or

(2) in a criminal proceeding for prejury or false statement if the statement was made by the defendant under oath, on the record and in the presence of counsel; or

(3) under subsection (a)(3) above, in the same criminal action or proceeding for impeachment purposes.

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

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