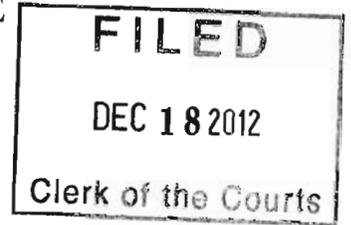


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



IN RE: AMENDMENT TO TENNESSEE
RULES OF EVIDENCE

No. M2012-01977-SC-RL2-RL

ORDER

The Court adopts the attached amendment effective July 1, 2013, subject to approval by resolutions of the General Assembly. The rule amended is as follows:

RULE 410 INADMISSIBILITY OF PLEAS, PLEA
DISCUSSIONS, AND RELATED
STATEMENTS.

The text of the amendment is set out in the attached Appendix.

IT IS SO ORDERED.

FOR THE COURT:

A handwritten signature in cursive script, appearing to read "Gary R. Wade", written over a horizontal line.

GARY R. WADE, CHIEF JUSTICE

APPENDIX

**2013 AMENDMENT TO THE
TENNESSEE RULES OF EVIDENCE**

In the attached amended rule, ~~overstriking~~ indicates deleted text
and underlining indicates added text.

TENNESSEE RULES OF EVIDENCE

RULE 410

INADMISSIBILITY OF PLEAS, PLEA DISCUSSIONS,
AND RELATED STATEMENTS

[Amend the original Advisory Commission Comment as indicated below; the text of the rule and the text of the 1994 Comment are unchanged:]

Except as otherwise provided in this rule, evidence of the following is not, in any civil or criminal proceeding, admissible against the party 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(1) A plea of guilty which was later withdrawn;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 Tennessee Rules of Criminal 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for the prosecuting authority which do not result in a plea of guilty or which result in a plea of guilty later withdrawn. Such a statement is admissible, however, in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record, and in the presence of counsel.

Advisory Commission Comments

This rule is ~~similar in effect to~~ cross-referenced in Tenn. R. Crim. P. 11(e)(6)(d), referred to ~~in subsection (3)~~.

Advisory Commission Comment [1994]

Williams v. Brown, 860 S.W.2d 854 (Tenn. 1993), held misdemeanor traffic fine payments without court appearance inadmissible by analogy to Rule 410.

Advisory Commission Comment [2013]

The original Advisory Commission Comment was revised to correct an obsolete cross-reference to a now nonexistent subparagraph of Tenn. R. Crim. P. 11.