

Rule 410. Offer to Plead Guilty; Nolo Contendere, Withdrawn Plea of Guilty

Evidence of a plea of guilty, later withdrawn, or a plea of nolo contendere, or of an offer to plead guilty or nolo contendere to the crime charged or any other crime or of statements made in connection with any of the foregoing pleas or offers, is not admissible in any civil, criminal, or administrative action, case, or proceeding whether offered for or against the person who made the plea or offer.

Committee Comment - 1977

At present the subsequent effect of a withdrawn plea of guilty or an offer to plead guilty is governed by Minn. R. Crim. P. 15.06 which provides:

If the defendant enters a plea of guilty which is not accepted or which is withdrawn, neither the plea discussions, nor the plea agreement, nor the plea shall be received in evidence against or in favor of the defendant in any criminal, civil, or administrative proceeding.

The rule of evidence makes it clearer that not only the plea but also those statements that accompany the plea are inadmissible. See gen. Minn. R. Crim. P. 15.02.

Based on principles of comity as well as fairness to the person making the plea, the rule also precludes evidence of pleas or offers to plea nolo contendere in those jurisdictions that permit such a plea.