

**Rule 15-32. SDCL 19-19-410. Pleas, plea discussions, and related statements.**

**(a) Prohibited uses.** In a civil or criminal case, evidence of the following is not admissible against the defendant who made the plea or participated in the plea discussions:

- (1)** a guilty plea that was later withdrawn;
- (2)** a nolo contendere plea;
- (3)** a statement made during a proceeding on either of those pleas under §§ 23A-7-2 to 23A-7-15, inclusive; or
- (4)** a statement made during plea discussions with an attorney for the prosecuting authority if the discussions did not result in a guilty plea or they resulted in a later-withdrawn guilty plea.

**(b) Exceptions.** The court may admit a statement described in this section in a criminal proceeding for perjury or false statement, if the defendant made the statement under oath, on the record, and with counsel present.