

## **Rule 104. Preliminary Questions**

(a) In General. The court must decide any preliminary question about whether a witness is qualified, a privilege exists, or evidence is admissible. In so deciding, the court is not bound by evidence rules, except those on privilege

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(c) Conducting a Hearing So That the Jury Cannot Hear It. The court must conduct any hearing on a preliminary question so that the jury cannot hear it if:

- 1) the hearing involves the admissibility of a confession;
- 2) a defendant in a criminal case is a witness and so requests; or
- 3) justice so requires.