

**14-5040. Use of voluntary confession or admission.<sup>1</sup>**

Before you consider a statement made by the defendant for any purpose, you must determine that the statement was given voluntarily. In determining whether a statement was voluntarily given, you should consider if it was freely made and not induced by promise or threat. [In determining whether the statement was induced by a promise or threat, you may consider the defendant's mental state.]<sup>2</sup>

USE NOTES

1. This instruction must be used when the court has made a determination that a statement by the defendant is voluntary and then submits it to the jury for consideration.

2. Instruct with bracketed language only if at issue.  
[As amended by Supreme Court Order No. 19-8300-016, effective for all cases pending or filed on or after December 31, 2019.]