**1A.06B EXPLANATORY INSTRUCTION – TRUTH OF OUT-OF-COURT STATEMENT IRRELEVANT**

You have heard evidence that (name or description of declarant) made a statement that (insert description). [It is for you to decide whether the statement was made. If you decide that it was,] [Y]ou may use this evidence in deciding whether (insert the purpose for which the statement is offered). It does not matter in this case whether or not the statement was true, since the (explain the relevance of the statement).

Use Note

Instruction 1A.06A covers hearsay statements that might easily be misused by a jury, because the truth of the matter asserted is disputed. This instruction covers situations in which the truth or falsity of a statement is irrelevant.

The bracketed material should be used if there is a dispute over whether a statement was made.

Comment

It is for the court to decide whether evidence is relevant. If it is only relevant for one purpose and not another, the court may so indicate to the jury. This instruction explains the proper use of an out-of-court statement, the truth of which is irrelevant.