**1A.06F AMBIGUOUS RESPONSE TO AN ACCUSATION**

You have heard evidence that (name of declarant) made a statement that (insert description of statement) and that (name of party) said in response (insert description of response). [It is for you to decide whether these statements were made. If you decide that they were,] [Y]ou must decide whether the (name of party’s) response was intended to be an admission of the truth of what (name of declarant said). If you find that it was, you may use the response as an admission of the truth of (name of declarant’s) statement.

[Insert Instruction 1A.06C or 1A.06D.]

Use Note

This instruction should be used when a party has made an ambiguous response to an accusation. For silence in the face of an accusation, see Instruction 1A.06E.

The bracketed material in the first paragraph should be used if there is a dispute about whether the statements were made.

Instructions 1A.06C or 1A.06D can be used in multi-party cases. But these instructions will have to be modified slightly to dovetail with this instruction.

Comment

It is for the jury to decide what an ambiguous statement was intended to mean. This instruction asks the jury to determine whether a party intended to express agreement with someone’s statement. If the answer is affirmative, the party’s statement is treated as an admission.