

1 **14-5041. Corpus delicti must be proved independent of admission or confession.**

2 No person may be convicted of a criminal offense unless there is some proof that the crime
3 was committed, independent of any [confession] [admission] made by [~~him~~] that person outside
4 of this trial.

5 USE NOTES

6 No instruction on this subject shall be given.

7 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending
8 or filed on or after December 31, 2025.]

9 **Committee commentary.** — The language of this instruction was derived from California Jury
10 Instructions Criminal, 2.72. In California, the instruction must be given sua sponte. The committee
11 believed that, as a matter of law, a case could not go to the jury based entirely upon the extrajudicial
12 confession or admission of the defendant. There must be facts and circumstances which would
13 allow the jury to find the elements of the crime. *State v. Paris*, 76 N.M. 291, 294, 414 P.2d 512
14 (1966). Consequently, the committee believed that no instruction on this subject was necessary or
15 proper.