**ICJI 700A Punishment Not Concern, Non-Capital Case**

The death penalty is not a sentencing option for the court or the jury in this case.

Comment

This instruction should be given in the guilt phase of a non-Capital case. I.C. § 18-4004A(2) requires the court to instruct potential jurors at the outset of jury selection that the death penalty is not a sentencing option for the court or the jury where the prosecuting attorney has not filed notice of intent to seek the death penalty or put the court on notice that the State does not intend to seek the death penalty.