

CREDIBILITY OF WITNESSES

In deciding this case, you must decide the credibility of witnesses; that is, it is up to you to decide who to believe. If there is any conflict between the witnesses, then you must resolve the conflict. Simply because a witness has taken an oath to tell the truth does not mean that you have to accept the testimony as true.

Use your common sense and judgment. Consider factors you use in deciding important issues in your everyday lives. For example, you may consider the following:

1. The witness's appearance, attitude, and behavior on the stand and the way the witness testified;
2. The witness's age, intelligence and experience;
3. The witness's opportunity and ability to see or hear the things about which the witness testified;
4. The accuracy of the witness's memory;
5. Any motive of the witness not to tell the truth;
6. Any interest that a witness had in the outcome of the case;
7. Any bias of the witness, or friendship or animosity the witness may have for or against any of the other people in the case;
8. The consistency or inconsistency of the witness's testimony;
9. Whether or not what the witness said appears reasonable or unreasonable;
10. Whether what the witness said is consistent or inconsistent with the testimony of other witnesses, or with statements the witness made at another time.

In deciding which witnesses to believe and how much of their testimony to believe, you should consider both the direct and cross-examination of the witnesses.

If you believe that part of a witness's testimony is false, you may choose to distrust other parts also, but you are not required to do so. Inconsistencies and contradictions within a witness's testimony or between witnesses do not necessarily mean that you should disbelieve the witness. It is possible for honest people to witness the same event and see or hear things differently. You should evaluate inconsistencies and contradictions and determine whether they are important or unimportant. You need not believe any witness even though the testimony is uncontradicted. Nor are you required to accept testimony as true simply because some or even all of the witnesses agree with each other. You may find the testimony of one witness or of a few witnesses more persuasive than the testimony of a larger number.

These principles apply to all witnesses, whether they are ordinary citizens, police officers, experts or otherwise.

In short, you should consider the testimony of each witness and give it the weight you think it deserves.