

CREDIBILITY OF WITNESSES - TESTIMONY OF IMMUNIZED WITNESS

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The testimony of some witnesses must be considered with more caution than the testimony of other witnesses.

Thus,, you have heard from a witness who testified under a grant of immunity conferred by the State. This means that the witness could not refuse to testify based upon his/her assertion of the privilege against self-incrimination. However, nothing the witness said during his/her testimony can be used against the witness, directly or indirectly, in a prosecution of the witness for his/her own criminal conduct. This grant of what is known as “use immunity” applies only with respect to truthful testimony given by the witness. Like any other witness, an immunized witness could be subject to prosecution for perjury if it was discovered he/she knowingly gave false testimony.

The State is entitled to grant use immunity to a person in order to obtain the person’s testimony, and the testimony of an immunized witness may be received in evidence, considered by you, and given such weight as you feel it deserves. Indeed, the testimony of an immunized witness may be enough in itself for conviction, if you find that it establishes the defendant’s guilt beyond a reasonable doubt.

However, it also is true that the testimony of an immunized witness must be scrutinized by you with great care and caution in deciding what, if any, weight it should be given. In particular, you must determine whether the testimony of the immunized witness has been affected by self-interest, or by the agreement he/she has with the State, or by his/her own interest in the outcome of this case, or by prejudice against the defendant.