

1. As judges of the facts, you are sole judges of the credibility of the witnesses and their testimony. This means you must judge the truthfulness and accuracy of each witness's testimony and decide whether to believe all or part or none of that testimony. The following are some of the factors that you may and should consider when judging credibility and deciding whether or not to believe testimony:

a. Was the witness able to see, hear, or know the things about which [he] [she] testified?

b. How well could the witness remember and describe the things about which [he] [she] testified?

[c. Was the ability of the witness to see, hear, know, remember, or describe those things affected by youth, old age, or by any physical, mental, or intellectual deficiency?]

d. Did the witness testify in a convincing manner? [How did [he] [she] look, act, and speak while testifying? Was [his] [her] testimony uncertain, confused, self-contradictory, or evasive?]

e. Did the witness have any interest in the outcome of the case, bias, prejudice, or other motive that might affect [his] [her] testimony?

f. How well does the testimony of the witness square with the other evidence in the case, including the testimony of other witnesses? [Was it contradicted or supported by the other testimony and evidence? Does it make sense?]

[g. *[give other factors]*].

[2. If you believe some part of the testimony of a witness to be inaccurate, consider whether the inaccuracy casts doubt upon the rest of his or her testimony. This may depend on whether he or she has been inaccurate in an important matter or a minor detail and on any possible explanation. For example, did the witness make an honest mistake or simply forget or did [he] [she] deliberately falsify?]

[3. While you are judging the credibility of each witness, you are likely to be judging the credibility of other witnesses or evidence. If there is a real, irreconcilable conflict, it is up to you to decide which, if any, conflicting testimony or evidence to believe.]

[4. As sole judges of credibility and fact, you, the jurors, are responsible to give the testimony of every witness,

and all the other evidence, whatever credibility and weight you think it deserves.]