

1 **CACI107. Witnesses**

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Requested by Plaintiff		Requested by Defendant		Requested by	
Given as Requested		Given as Modified		Given on Court's Motion	
Refused					
Withdrawn					

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8 A witness is a person who has knowledge related to this case. You will have to decide
 9 whether you believe each witness and how important each witness's testimony is to the
 10 case. You may believe all, part, or none of a witness's testimony.

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 12 In deciding whether to believe a witness's testimony, you may consider, among other
 13 factors, the following:

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- 15 (a) How well did the witness see, hear, or otherwise sense what he or she described
 16 in court?
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- 18 (b) How well did the witness remember and describe what happened?
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- 20 (c) How did the witness look, act, and speak while testifying?
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- 22 (d) Did the witness have any reason to say something that was not true? Did the
 23 witness show any bias or prejudice? Did the witness have a personal relationship
 24 with any of the parties involved in the case? Does the witness have a personal stake in
 25 how this case is decided?
- 26
- 27 (e) What was the witness's attitude toward this case or about giving testimony?
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29 Sometimes a witness may say something that is not consistent with something else he or
 30 she said. Sometimes different witnesses will give different versions of what happened.

1 People often forget things or make mistakes in what they remember. Also, two people
2 may see the same event but remember it differently. You may consider these differences,
3 but do not decide that testimony is untrue just because it differs from other testimony.

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5 However, if you decide that a witness has deliberately testified untruthfully about
6 something important, you may choose not to believe anything that witness said. On the
7 other hand, if you think the witness testified untruthfully about some things but told the
8 truth about others, you may accept the part you think is true and ignore the rest.

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10 Do not make any decision simply because there were more witnesses on one side than on
11 the other. If you believe it is true, the testimony of a single witness is enough to prove a
12 fact.

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14 You must not be biased in favor of or against any witness because of his or her disability,
15 gender, race, religion, ethnicity, sexual orientation, age, national origin, [or]
16 socioeconomic status [, or _____ [*insert any other impermissible form of bias*]].

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