

A witness may be discredited or “impeached” by contradictory evidence, by a showing that the witness testified falsely concerning a material matter, or by evidence that at some other time the witness has said or done something, or has failed to say or do something, which is inconsistent with the witness’ present testimony.

If you believe that any witness has so been impeached, then it is your exclusive province to give the testimony of that witness such credibility or weight, if any, as you may think it deserves.

A defendant has a right not to testify. If a defendant does testify, however, the defendant’s testimony should be weighed and considered, and the defendant’s credibility determined, in the same way as that of any other witness. Evidence of a defendant’s previous conviction of a crime is to be considered by you only insofar as it may affect the credibility of the defendant as a witness, and must never be considered as evidence of guilt of the crime for which the defendant is on trial.