**1.07 CREDIBILITY OF WITNESSES**

Every person who testifies under oath is a witness. You, as jurors, are the sole judges of the credibility of the witnesses.

In deciding whether to believe a witness and how much weight to give a witness' testimony, you may consider anything that reasonably helps you to evaluate the testimony. Among the things that you should consider are the following:

1. the witness' appearance, attitude, and behavior on the stand and the way the witness testifies;
2. the witness' age, intelligence, and experience;
3. the witness' opportunity and ability to see or hear the things the witness testifies about;

(4) the accuracy of the witness' memory;

(5) any motive of the witness not to tell the truth;

(6) any interest that the witness has in the outcome of the case;

(7) any bias of the witness;

(8) any opinion or reputation evidence about the witness' truthfulness;

(9) any prior criminal convictions of the witness which relate to honesty or veracity; and

(10) the consistency of the witness' testimony and whether it is supported or contradicted by other evidence.

You should bear in mind that inconsistencies and contradictions in a witness' testimony, or between a witness' testimony and that of others, do not necessarily mean that you should disbelieve the witness. It is not uncommon for people to forget or remember things incorrectly and this may explain some inconsistencies and contradictions. It is not uncommon for two honest people to witness the same event and see or hear things differently. It may be helpful when you evaluate inconsistencies and contradictions to consider whether they relate to important or unimportant facts.

If you believe that part of a witness' testimony is false, you may choose to distrust other parts also, but you are not required to do so. You may believe all, part, or none of the testimony of any witness. You need not believe a witness even if the witness' testimony is uncontradicted. However, you should act reasonably in deciding whether you believe a witness and how much weight to give to the witness' testimony.

Use Note

This instruction should be given in all cases following the opening statements. If a prominent person in the community is likely to testify, the court should consider giving pattern instruction 2.09 after this instruction.

Comment

A traditional part of jury instructions covers the credibility of witnesses. Usually these instructions are given at the end of a case. But post‑evidence instructions may come too late to help the jury determine the credibility of witnesses. Thus, a number of Alaska trial judges give a preliminary instruction on witness credibility, and this instruction supports the practice.

Alaska R. Civ. P. 51(b) (1)‑(4) requires or suggests that certain instructions on the evidence should be given. Most of these will make more sense to the jury after all the evidence is in. The introductory instruction is designed to call the jury's attention to aspects of testimony that might be missed without the giving of such an instruction.

It avoids any requirement that jurors accept some testimony as true. See Oksoktgeok v. State, 611 P.2d 521 (Alaska 1980).