02.09 CLOSING INSTRUCTIONS — STATUS OF WITNESSES IN COMMUNITY

You should not assume that the testimony of a witness who holds a prominent position in the community is more likely to be correct than the testimony of other witnesses. The testimony of all witnesses should be evaluated according to the same standards.

# Use Note

This instruction should be used only when a prominent person likely to be known to the jury has testified and the court believes it is likely that jurors may give undue weight to that person's testimony.

# Comment

This instruction attempts to remove the status of a witness in society as a factor to be considered by the jury when it evaluates the testimony of witnesses. This instruction should rarely be given. It raises the possibility that the court may interpret the “prominence” of a particular witness in a way different than jurors and may thereby unduly influence their opinion. Nothing in this instruction is inconsistent with the use of character evidence to impeach and rehabilitate witnesses.