IN THE CIRCUIT COURT OF [*county*] COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

v. [*case number*]

Hon. [*name*]

[*name-all caps*],

Defendant.

DEFENDANT’S INSTRUCTION NO. \_\_\_\_

A witness’s testimony may be discredited by showing the witness testified falsely, or by evidence that at some other time the witness said or did something, or failed to say or do something, that was inconsistent with the witness’s trial testimony.

Earlier statements of a witness are not admitted in evidence to prove that the contents of those statements are true, and therefore you may not consider the earlier statements to prove that the content of an earlier statement is true; you may only use earlier statements to determine whether the earlier statements are consistent or inconsistent with the trial testimony of the witness and, therefore, whether they affect the credibility of that witness.

If you believe a witness has been discredited in this manner, it is your exclusive right to give that witness’s testimony whatever weight you think it deserves.

GIVEN:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

REFUSED:\_\_\_\_\_\_\_\_\_\_\_\_\_

MODIFIED:\_\_\_\_\_\_\_\_\_\_\_\_

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JUDGE