

ARGUING CREDIBILITY

KEYS TO CREDIBILITY

- Educate the Jury
- Draw Sharp Contrasts & Give Clear Choices
- Articulate Clear Concise Reasons W is Credible

Educate the Jury

- Beyond a Reasonable Doubt
WPIC 4.01
- Introductory Instruction
WPIC 1.02
- Scales of Credibility

Beyond A Reasonable Doubt

- Reasonable
- Would exist in the mind of a reasonable person
- Based on the Evidence or Lack of Evidence
- Not Every Possible Doubt

WPIC 1.02

You are the sole judges of the credibility of the witnesses and of what weight is to be given to the testimony of each. In considering the testimony of any witness, you may take into account the opportunity and ability of the witness to observe, the witness's memory and manner while testifying, any interest, bias or prejudice the witness may have, the reasonableness of the testimony of the witness considered in light of all the evidence, and any other factors that bear on believability and weight.

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Credibility Factors

- Perceived Accurately
- Remember Accurately
- Motive
- Bias
- Prejudice
- Internal Consistency
- External Consistency
- Consistency Over Time
- X exam
- Character/ History
- Demeanor
- Reasonableness
- History / ER 404(b)







