

Natasha Rodriguez and Jose Santos to a mall in Farmington, Connecticut for the purpose of passing the counterfeit currency.

Method of Assessing Evidence

Now that you know what it is that the government must prove and the standard of proof to be applied, the next question is how do you determine whether the government has proven any or all of the charges beyond a reasonable doubt?

Obviously, you must make your determination solely from the evidence properly before you and from all reasonable and legitimate inferences to be drawn from that evidence.

The evidence that is properly before you consists of:

1. The testimony of the witnesses; and
2. The exhibits that I have admitted into evidence.
3. Stipulations that the parties agreed to.

A stipulation means simply that the government and the defendant accept the truth of a particular proposition or fact. Since there is no disagreement, there is no need for evidence apart from the stipulation. You must accept the stipulation as fact to be given whatever weight you choose.

From that evidence, you may draw whatever conclusions are reasonable under the circumstances.

The evidence that is properly before you does not include:

1. The Indictment. Again, I remind you the indictment has no value as evidence.
2. Comments or statements by the attorneys;
3. Documents, photographs or other items which may have been referred to but have not been admitted into evidence; or

4. Anything you may have heard or seen outside of this courtroom regarding the events in question or the participants in this case.
5. Anything I have instructed you to disregard.

Witnesses - Credibility - General Factors

As to the testimony of witnesses, your principal task is to determine the credibility of the witnesses and the weight you will give to the testimony of each.

In making that determination, there are a number of factors that you may consider:

1. The opportunity or lack of opportunity the witness had to acquire knowledge of the facts about which the witness testified. In other words, was the witness in a position to have accurately perceived the facts that the witness related to you.
2. The reliability or unreliability of the witness's memory. In other words, did the witness have a clear recollection of what happened or was the witness's memory uncertain or unclear.
3. The witness's appearance on the stand. Did the witness appear to be a person who was telling the truth, or did it appear that the witness was slanting things one way or another either consciously or unconsciously.
4. The probability or improbability of the witness's testimony. Did what the witness say sound reasonable or plausible or did it appear to be unlikely or impossible.
5. Whether the witness had anything to gain or lose from the outcome of this case. In other words, was the witness impartial or did the witness have some stake in the outcome or some reason to favor one side or the other.