

4. the witness's interest in the outcome of the case and any bias or prejudice the witness may have;
5. whether other evidence contradicted the witness's testimony; and
6. the reasonableness of the witness' testimony in light of all the evidence.

After making your own judgment, you may believe everything a witness says, or part of it, or none of it at all. Also, the weight of the evidence is not necessarily determined by the number of witnesses testifying to the existence or non-existence of any fact.

#### **G. DEPOSITION TESTIMONY**

During the trial of this case, certain testimony has been read to you by way of deposition and presented to you by video, consisting of sworn recorded answers to questions asked of the witness in advance of trial. Such testimony is entitled to the same consideration, and is to be considered by the jury in the same way as if the witness had been present and had testified from the witness stand.

#### **H. OPINION EVIDENCE - EXPERT WITNESS**

While the rules of evidence ordinarily do not permit witnesses to testify as to opinions or conclusions, an exception exists as to those persons whom we refer to as expert witnesses. These are witnesses who, by education and experience, have become expert in some art, science, profession, or calling, and thus may state their opinions as to relevant and material matters in which they profess to be expert, and may also state their reasons for the opinion.

If testimony from an expert witness is to have any evidentiary value, it must speak in terms of "probabilities" rather than mere "possibilities." Although absolute certainty is not required, the conclusions of an expert must be reached to a reasonable degree of certainty – that