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**DRAFT**

**CREDIBILITY OF WITNESSES - TESTIMONY OF A CHILD**

Most children are allowed to testify in court and you have heard testimony from a child during this trial. You are to evaluate and weigh the child's testimony and decide whether to believe the child witness. Consider first, whether the child was able to observe, remember and narrate events, and second, whether the child understood the obligation to tell the truth.

As you would with any other witness, you may consider the age of the witness and his/her demeanor on the stand; his/her manner of testifying; whether he/she understands the questions asked and his/her ability to answer those questions, and you may consider the other factors I have already discussed with you in deciding whether to believe any other witness.

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*State v. St. John*, 120 N.H. 61, 62-63, (1980)

*State v. Briere*, 138 N.H. 617, 620-621, (1994)