

## EXPERT ON A CRIME VICTIM SYNDROME <sup>1</sup>

You will recall that (*specify*) testified about (*specify*) Syndrome and gave an opinion on such matters.

Ordinarily, a witness is limited to testifying about facts and is not permitted to give an opinion. Where, however, specialized knowledge might help the jury understand evidence, a witness with expertise in a specialized field may render opinions about such matters.

The expert's testimony is not offered as proof that the crime charged occurred.<sup>2</sup> It is offered for you to consider in evaluating the complainant's behavior [before,] during, or after, the alleged commission of the crime.<sup>3</sup>

You should evaluate the expert's testimony just as you would the testimony of any other witness. You may accept or reject such testimony, in whole or in part, just as you may with respect to the testimony of any other witness.

In deciding whether or not to accept such testimony, you should consider the following:

- the qualifications and believability of the witness;
- the facts and other circumstances upon which the witness's opinion was based;
- [the accuracy or inaccuracy of any assumed or hypothetical fact upon which the opinion was based;]
- the reasons given for the witness's opinion; and
- whether the witness's opinion is consistent or inconsistent with other evidence in the case.

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1. *People v. Taylor*, 75 NY2d 277 (1990) (rape trauma syndrome); *People v. Carroll*, 95 NY2d 375 (1995) (child sexual abuse accommodation

syndrome); *People v. Mercado*, 188 AD2d 941 (3d Dept 1992) (child sexual abuse syndrome); *People v. Johnson*, 22 AD3d 600 (2d Dept 2005) (battered woman syndrome); *People v. Goodman*, 21 AD3d 906 (2d Dept 2005) (intrafamilial child sexual abuse syndrome); *People v. Hryckewicz*, 221 AD2d 990 (4th Dept 1995) (learned helplessness syndrome).

2. *People v. Taylor*, 75 NY2d 277 (1990); *People v. Nelson*, 22 AD3d 769 (2d Dept 2005); *People v. Story*, 176 AD2d 1080 (3<sup>rd</sup> Dept 1991).

3. *People v. Carroll*, 95 NY2d 375 (2000); *People v. Taylor*, 75 NY2d 277 (1990); see CJI2d [NY] Prompt Outcry.