

WITNESS'S REFUSAL TO ANSWER QUESTIONS

Under our law, [as I have explained], you may consider whether a witness has engaged in criminal conduct [*or specify*], and if so, whether and to what extent it affects the believability of that witness's testimony.

In this case, (*specify*) testified and refused to answer certain questions relating to whether he/she has engaged in criminal conduct [*or specify*].

A witness has the right to refuse to answer questions which may incriminate him/her. At the same time, however, you may take into consideration his/her refusal to answer such questions in determining the believability and weight of his/her testimony.¹

1. See *People v Siegel*, 87 N.Y.2d 536 (1996).