

EXPERT TESTIMONY

As a general rule, witnesses can only testify to facts known by them. This rule ordinarily does not permit to be received as evidence the opinion of a witness who is not testifying as an expert. However, an exception to this rule exists in the case of an expert witness who may give their opinion as to any matter in which they are versed which is material to the case. In legal terminology, an expert witness is a witness who has some special knowledge, skill, experience, or training that is not possessed by the ordinary juror and who thus may be able to provide assistance to the jury in understanding the evidence presented and determine the facts in this case.

In this case, (list experts and areas of expertise) or (State and defendant) or (State only) (were called as experts) (or called experts).

You are not bound by such expert's opinion, but you should consider each opinion and give it the weight to which you deem it is entitled, whether that be great or slight, or you may reject it. In examining each opinion, you may consider the reasons given for it, if any, and you may also consider the qualifications and credibility of the expert.

It is always within the special function of the jury to determine whether the facts on which the answer or testimony of an expert is based actually exist. The value or weight of the opinion of the expert is dependent upon, and is no stronger than, the facts on which it is based. In other words, the probative value of the opinion will depend upon whether from all of the evidence in the case, you find that those facts are true. You may, in fact, determine from the evidence in the case that the facts that form the basis of the opinion are true, are not true, or are true in part only, and, in light of such findings, you should decide what affect such determination has upon the weight to be given to the opinion of the expert. Your acceptance or rejection of the expert opinion will depend, therefore, to some extent on your findings as to the truth of the facts relied upon.

You and you alone are the sole factfinders in this case. You must be persuaded solely by the evidence presented at trial when determining whether the State has satisfied its burden. As the sole judges of the facts, you are to determine the credibility of the various witnesses, as well as the weight to be afforded to their testimony to determine whether the State has proven beyond a reasonable doubt all elements of the crime(s) charged.