

3.12 Child Witness

Comment

The Committee recommends that the trial judge give no instruction on the credibility of a child witness because it adds nothing to the general instructions on witness credibility. As to these instructions, *see* Instructions 1.7 (Credibility of Witnesses) and 6.9 (Credibility of Witnesses).

In *People of Territory of Guam v. McGravey*, 14 F.3d 1344, 1348 (9th Cir. 1994), the Ninth Circuit stated that “the better view is . . . that a ‘trial judge retains discretion to determine whether the jury should receive a special instruction with respect to the credibility of a young witness, and if so, the nature of that instruction.’” (citation omitted). *See also United States v. Pacheco*, 154 F.3d 1236, 1239 (10th Cir. 1998) (holding that general witness credibility instruction provided jury with adequate guidance in evaluating child’s testimony).