

## WITNESS UNDERWENT HYPNOSIS<sup>1</sup>

As you are aware, (specify name) testified that on (specify date) he/she underwent hypnosis for the purpose of recollecting what may have taken place on (specify date).

The witness was not permitted to testify to what the witness may believe he/she recalled as a result of the hypnosis. The reason for that is that a person's recollection after hypnosis is not reliable.

The witness was, however, permitted to testify to what he/she may have remembered prior to undergoing hypnosis. In judging his/her testimony for believability and accuracy,

*[Note: include the following bracketed material if it was placed in issue:*

*you need to be satisfied that the witness testified to his/her prehypnotic recollections, and]*

you need to be aware that a person who undergoes hypnosis acquires some measure of confidence in events recalled under hypnosis, including the events the witness recalled before hypnosis.

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<sup>1</sup> *People v Hughes*, 59 NY2d 523, 545 (1983).