

## WITNESS TAMPERING

(Published Aug. 2016)

*Note: The following admonition may, in the discretion of the trial court, as deemed necessary, be read in whole or part to the defendant.*

### ***To the defendant:***

Be advised, if there is any tampering with a witness:

- You can be separately prosecuted for the tampering;
- The evidence of tampering may be used against you at the trial of this case to infer that you did so because you were guilty;<sup>1</sup>
- And, if the witness does not testify or testify fully at the trial because of tampering, you gain nothing because anything that witness has already said to the police, or to the Grand Jury, or to anyone else about this case may be admitted against you in evidence at trial and, if that happens, you can lose the valuable right to have your lawyer question that witness at the trial.<sup>2</sup>

Do you understand?

---

1. *See People v Davis*, 43 NY2d 17, 26 (1977) (“[A] party's attempt to procure false testimony or to corrupt a witness, though collateral to the issues, is competent as an admission by acts and conduct that the party's case is weak and its evidence dishonest” [citation omitted]).

2. *See People v Geraci*, 85 NY2d 359, 365-366 (1995).