

1 **14-5021. Credibility of witness; prior inconsistent statement.**

2 In determining the credibility of a witness you may consider any matter that has a tendency
3 in reason to prove or disprove the truthfulness of [~~his~~] the witness's testimony, including a
4 statement made by [~~him~~] the witness that is inconsistent with any part of [~~his~~] the witness's
5 testimony.

6 USE NOTES

7 No instruction on this subject shall be given.

8 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending
9 or filed on or after December 31, 2025.]

10 **Committee commentary.** — The language of this instruction was derived from California Jury
11 Instructions Criminal, 2.20. Under Rule 11-801D(1) NMRA, a prior inconsistent statement may
12 be admitted as substantive evidence. *See California v. Green*, 399 U.S. 149 (1970) and 56 F.R.D.
13 183, 296 (1973). The committee believed that UJI 14-5020 generally covers this subject matter
14 and no separate instruction should be given.