

CORROBORATION OF UNSWORN WITNESS

(*Specify*) did not testify under oath and therefore gave unsworn testimony.¹

Under our law, a defendant may not be convicted of an offense solely upon unsworn testimony.

Therefore, before you may convict the defendant upon the testimony of (*specify*) you must find that his/her testimony is truthful and accurate *and* that it is supported by other evidence which:

tends to establish that the offense was in fact committed;
and

tends to connect the defendant with the commission of the offense.²

¹- A witness may be unsworn and give evidence only for a reason specified in CPL 60.20(1) and (2), and when that is permitted, this charge should be given. See *People v. Ward*, 175 A.D.3d 722 (2d Dept 2019).

² See CPL 60.20(3); *People v. Groff*, 71 N.Y.2d 101, 108 (1987).