**WITNESS UNDERWENT HYPNOSIS[[1]](#endnote-1)**

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.

1. *People v Hughes*, 59 NY2d 523, 545 (1983). [↑](#endnote-ref-1)