

FALSE IN ONE - FALSE IN ALL

(A TRIAL JUDGE, IN (HIS/HER) DISCRETION, MAY GIVE THIS CHARGE IN ANY SITUATION IN WHICH (HE/SHE) REASONABLY BELIEVES A JURY MAY FIND A BASIS FOR ITS APPLICATION - SEE STATE V. ERNST, 32 N.J. 567 (1960)).

If you believe that any witness or party willfully or knowingly testified falsely to any material facts in the case, with intent to deceive you, you may give such weight to his or her testimony as you may deem it is entitled. You may believe some of it, or you may, in your discretion, disregard all of it.¹

¹ See State v. Ernst, 32 N.J. 567, 583 (1960), State v. D'Illoposito, 22 N.J. 318, 324 (1956), State v. Sturchio, 127 N.J.L. 366, 369 (Sup. Ct. 1941), State v. Samuels, 92 N.J.L. 131, 133 (Sup. Ct. 1918). The same charge applies to the civil side. See Lawnton v. Virginia Stevedoring Co., 50 N.J. Super. 564, 581 (App. Div. 1958), Hargrave v. Stockloss, 127 N.J.L. 262, 266 (E.&A. 1941), Coleman v. Public Service Coordinated Transport, 120 N.J.L. 384, 387 (Sup. Ct. 1938). For a full discussion of the use and application of the maxim, see, Vol. 3A Wigmore on Evidence (1970) Sec. 1008 et. seq.