

FRESH COMPLAINT: SILENCE OR FAILURE TO COMPLAIN¹

The law recognizes that stereotypes about sexual assault complainants may lead some of you to question [**complaining witness's**] credibility based solely on the fact that [he or she] did not complain about the alleged abuse sooner. You may or may not conclude² that [**complaining witness's**] testimony is untruthful based only on [his or her] silence/delayed disclosure. You may consider the silence/delayed disclosure along with all of the other evidence including [**complaining witness's**] explanation for his/her silence/delayed disclosure when you decide how much weight to afford to [**complaining witness's**] testimony.

¹ This charge should be used when there is no Child Sexual Abuse Accommodation Syndrome testimony. State v. P.H., 178 N.J. 378 (2004).

² See State v. W.B., 205 N.J. 588, 621-22 (2011).