

161 AGREED TESTIMONY

The district attorney and the attorney for the defendant have stipulated or agreed that if (name of witness) had been called as a witness, (he) (she) would have testified as follows:

[state agreed testimony]

You will consider that testimony in the same manner as if it had been given under oath here in court.

COMMENT

Wis JI-Criminal 161 was approved by the Committee in December 1995 and was republished without substantive change in 2000.

This instruction is designed for situations where the parties have agreed that if a witness had been called to testify, the witness would have testified to certain facts. The jury is instructed to regard that agreed testimony in the same manner as if it had been given by a live witness in court.

For an instruction on agreed facts, see Wis JI-Criminal 162.