OUJI-CR 9-43A
EVIDENCE - CREDIBILITY OF JAILHOUSE INFORMANT TESTIMONY

The testimony of an informer informant who provides evidence against a defendant must be examined and weighed by you with greater care than the testimony of an ordinary witness. Whether the informer's informant's testimony has been affected by interest or prejudice against the defendant is for you to determine. In making that determination, you should consider:

(1) whether the witness informant has received, been offered, or reasonably expects anything (including pay, immunity from prosecution, leniency in prosecution, personal advantage, or vindication) in exchange for testimony;

(2) any other case in which the informant testified or offered statements against an individual but was not called, and whether the statements were admitted in the case, and whether the informant received any deal, promise, inducement, or benefit in exchange for that testimony or statement;

(3) whether the informant has ever changed his or her his/her testimony/statement;

(4) the criminal history of the informant; and

(5) any other evidence relevant to the informer's informant's credibility.

Notes on Use

In Dodd v. State, 2000 OK CR 2, ¶ 26, [993 P.2d 778](https://law.justia.com/cases/oklahoma/court-of-appeals-criminal/2000/48885.html), 784, the Oklahoma Court of Criminal Appeals required the use of this Instruction whenever jailhouse informant testimony has been admitted by the trial court.

In addition, the Court of Criminal Appeals required the prosecution to make available to the defense the following pretrial discovery:

At least ten days before trial, the state is required to disclose in discovery: (1) the complete criminal history of the informant; (2) any deal, promise, inducement, or benefit that the offering party has made or may make in the future to the informant (emphasis added); (3) the specific statements made by the defendant and the time, place, and manner of their disclosure; (4) all other cases in which the informant testified or offered statements against an individual but was not called, whether the statements were admitted in the case, and whether the informant received any deal, promise, inducement, or benefit in exchange for or subsequent to that testimony or statement; (5) whether at any time the informant recanted that testimony or statement, and if so, a transcript or copy of such recantation; and (6) any other information relevant to the informant's credibility.

Id. ¶ 25, 993 P.2d at 784.