

101.35 IMPEACHMENT OR CORROBORATION BY PRIOR STATEMENT.¹

When evidence has been received tending to show that at an earlier time a witness made a statement which may be consistent with or may conflict with *his* testimony at this trial, you must not consider such earlier statement as evidence of the truth of what was said at that earlier time because it was not made under oath at this trial. If you believe that such earlier statement was made, and that it is consistent with or does conflict with the testimony of the witness at this trial, then you may consider this, together with all other facts and circumstances bearing upon the witness's truthfulness, in deciding whether you will believe or disbelieve *his* testimony at this trial.

1. This instruction replaces N.C.P.I.-Civil 101.35 IMPEACHMENT OF WITNESS BY PRIOR INCONSISTENT STATEMENT.