02.12 CLOSING INSTRUCTIONS – QUESTIONS ASKED BY COURT

During the trial I asked questions of witnesses called by the parties. You should not assume that the answers to my questions were more or less correct or important than the answers to questions asked by others. Do not assume that because I asked questions I have any opinion about the case or the matters to which my questions relate. It is your job to evaluate the evidence and to decide what witnesses to believe and what weight to give the evidence.

# Use Note

This instruction should be given in each case where the court asked questions of witnesses.

# Comment

Alaska Evid. R. 614 authorizes the court to call and to interrogate witnesses. The comment to the rule suggests that these powers should be used with restraint. It seems likely that the most frequent exercise of the powers conferred by Rule 614 will occur when the court clarifies testimony provided by witnesses called by the parties.