### IDJI 1.22 – Deposition testimony

INSTRUCTION NO.\_\_\_\_\_

 Certain evidence is about to be presented to you by deposition. A deposition is testimony taken under oath before the trial and preserved in writing [and upon video tape]. This evidence is entitled to the same consideration you would give had the witness testified from the witness stand.

 You will only receive this testimony in open court. Although there is a record of the testimony you are about to hear, this record will not be available to you during your deliberations.

Comment:

 The last sentence has been added to IDJI 124 to anticipate inquiry from the jury.