

Memory Instruction

As you have heard, the defense contends that Mr. Libby confused, forgot, or misremembered all or parts of some of the conversations that you have heard about during the trial that form the basis for the charges that have been filed against Mr. Libby. You are also being asked to evaluate the accuracy of the memory of other witnesses who testified in this trial. In considering Mr. Libby's position and the testimony of any other witness

whose memory is at issue, it is appropriate for you to take into account the following:

(1.) Your assessment, based on your life experiences, of the capacity of human beings to remember things they said and were told when asked to recall those matters at a later point in time;

(2.) The amount of time between when a person said or heard something and the impact the passage of time had on the person's memory to accurately recall those

events;

(3.) The circumstances that existed when the person was exposed to the events he or she is asked to recall;

(4.) The nature of the information or the event the person is called upon to remember;

(5.) The circumstances that existed when the person was asked to recall the earlier event;

(6.) The circumstances that existed

during the time between when the person was exposed to an event he or she is asked to recall and when that person was asked to recall the earlier event;

(7.) Your assessment of the memory capacity of the person whose memory is in question; and

(8.) Any evidence that was presented during this trial that shed light on any issues related to memory of the individuals you have to assess in this trial.