

104.96 LIMITATION ON EXPERT OPINION TESTIMONY.

NOTE WELL: Always give N.C.P.I.—Crim. 104.94 first when this instruction is given. This instruction covers the admissibility of expert opinion testimony concerning all "syndromes" and "disorders," including, but not limited to, post-traumatic stress syndrome, rape-trauma syndrome, and conversion disorders. The trial court should balance the probative value of evidence of these conditions against the prejudicial impact of such evidence under Rule 403, and it should determine whether admission of evidence of these conditions would be helpful to the trier of fact under Rule 702. See State v. Hall, 330 N.C. 808, 412 S.E.2d 883 (1992).

You may consider expert opinion testimony that one

- a) [[exhibits symptoms] [fits a profile] consistent with [sexual] [physical] abuse]
- b) [suffers from [post-traumatic stress syndrome] [rape-trauma syndrome]]
- c) [had a conversion [reaction] [disorder] consistent with [sexual] [physical] abuse]

only for the limited purpose¹ of corroborating the victim's² testimony at this trial, that is, you believe this opinion testimony supports the testimony of the victim. The opinion testimony is admitted solely for this purpose.³ You may not convict the defendant solely on this opinion testimony.

1. See State v. Thompson, 273 N.C. App. 686, 852 S.E.2d 365 (2020) (holding that the trial court may issue a limiting instruction for admitted expert opinion testimony even if not specifically requested by defense counsel).

2. Opinion testimony can also be used to corroborate the defendant's testimony.

3. In the event the evidence tends to impeach the victim's testimony, adjust the charge accordingly.

