

N.C.P.I.—Criminal 105.40

IMPEACHMENT OF THE DEFENDANT AS A WITNESS BY PROOF OF UNRELATED CRIME.

G.S. §8C-1, Rule 609.

General Criminal Volume

Replacement June 2011

Evidence has been received concerning prior criminal convictions of the defendant.¹ You may consider this evidence for one purpose only. If, considering the nature of the crime(s), you believe that this bears on the defendant's truthfulness, then you may consider it, and all other facts and circumstances bearing upon the defendant's truthfulness, in deciding whether you will believe the defendant's testimony at this trial. A prior conviction is not evidence of the defendant's guilt in this case. You may not convict the defendant on the present charge(s) because of something the defendant may have done in the past.

¹ For limitations as to crimes applicable, see G.S. 8C-1, Rule 609. This instruction is to be used only when the defendant has testified. As to substantive use of evidence of other crimes, see N.C.P.I.—Crim. 104.15.

