CRIMINAL EVIDENCE: CHARACTER EVIDENCE CHEAT SHEET

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Is the character evidence being admitted to prove propensity?

Yes

No

Consult other rules, such as:
- Rule 404(b) (prior bad acts for purposes other than propensity
- Rule 405 (method of proving character)
- Rule 406 (habit)
- Rule 609 (impeachment with conviction of a crime)

Proceed to the chart below

Evidence of Defendant’s Character

| Defendant may introduce if it pertains to a pertinent trait | State may introduce only in rebuttal |

Evidence of Victim’s Character

| Defendant may introduce if it pertains to a pertinent trait |
| State may introduce only in rebuttal of: |
| (1) Defendant’s evidence of a pertinent trait; or |
| (2) Defendant’s evidence that the victim was the first aggressor in a homicide case |

Evidence of Witness’s Character (including defendants & victims who testify)

| Either side may use to attack or support credibility |

Method of Proof

Reputation or Opinion

In all instances

Specific Instances of Conduct

(1) When character is an element of a charge or defense; or
(2) On cross-examination of a witness who testified to opinion or reputation

Method of Proof

Reputation or Opinion

Specific Instances of Conduct

(1) Prior conviction of a crime under Rule 609
(2) If probative of truthfulness or untruthfulness of the witness being examined or of another witness, as to which the witness being cross-examined has testified
- in court’s discretion
- may not use extrinsic evidence