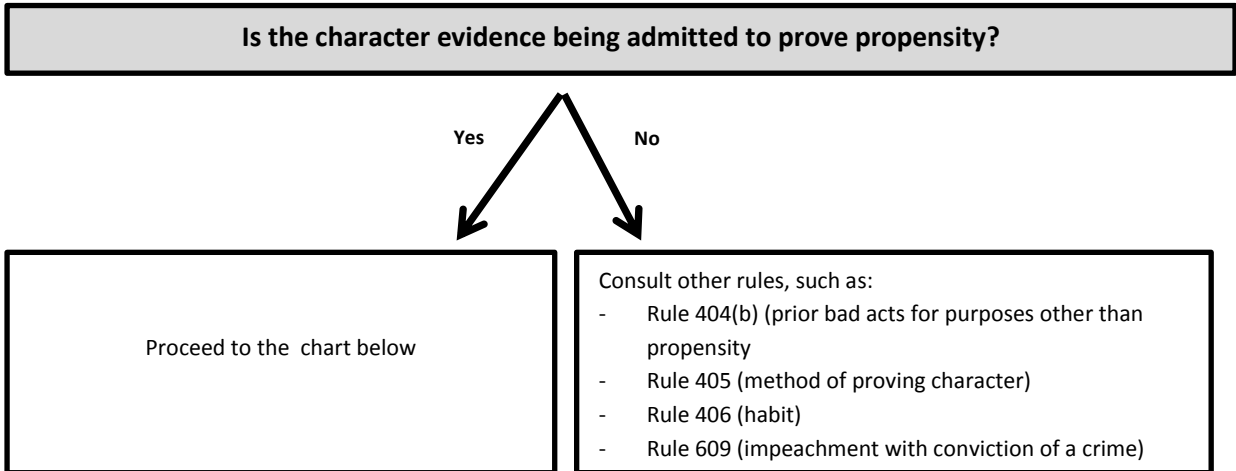


**CRIMINAL EVIDENCE: CHARACTER EVIDENCE CHEAT SHEET**

Jessica Smith, UNC School of Government (May 2013)



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: <ol style="list-style-type: none"> <li>(1) Defendant's evidence of a pertinent trait; or</li> <li>(2) Defendant's evidence that the victim was the first aggressor in a homicide case</li> </ol>

Evidence of Witness's Character (including defendants & victims who testify)
Either side may use to attack or support credibility

**Method of Proof**

**Method of Proof**

Reputation or Opinion	Specific Instances of Conduct
In all instances	<ol style="list-style-type: none"> <li>(1) When character is an element of a charge or defense; or</li> <li>(2) On cross-examination of a witness who testified to opinion or reputation</li> </ol>

Reputation or Opinion	Specific Instances of Conduct
To attack or support credibility but: <ol style="list-style-type: none"> <li>(1) May refer only to character for truthfulness or untruthfulness &amp;</li> <li>(2) Evidence of truthfulness is admissible only if witness's character for truthfulness has been attacked</li> </ol>	<ol style="list-style-type: none"> <li>(1) Prior conviction of a crime under Rule 609</li> <li>(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                             <ul style="list-style-type: none"> <li>- in court's discretion</li> <li>- may not use extrinsic evidence</li> </ul> </li> </ol>

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