

101.33 EVIDENCE - LIMITATION AS TO PURPOSE.

NOTE WELL: Use this instruction to limit the use of particular evidence to a specific purpose.¹

Do not use this charge if there is a more specific pattern instruction available; e.g., N.C.P.I.—Civil 101.35 (prior inconsistent statement), N.C.P.I.—Civil 101.36 (impeachment by prior conviction), N.C.P.I.—Civil 101.37 (character of a witness).

Evidence has been received (*describe nature of evidence*). (You must not consider this evidence (*describe forbidden use of evidence*).)²

If you [believe this evidence] [find that this evidence (*describe what must be found for evidence to be relevant*)], then you may consider this evidence for the purpose(s) of (*describe permissible purpose*). Except as it bears upon (*specify permissible purpose*), [this evidence] [(*describe evidence*)] may not be used by you in your determination of any other fact in this case.

¹ See, e.g., *Carrier v. Starnes*, 120 N.C. App. 513, 519, 463 S.E.2d 393, 397 (1995) (where trial court used a limiting instruction substantially similar to N.C.P.I.—Civil 101.33, the admission of evidence of liability insurance for the limited purpose of demonstrating bias on the part of the private investigator hired by the insurance company was not an abuse of discretion).

² Use the parenthetical sentence only when it is desired to specifically point out to the jury the use to which the evidence may not be put.