

N.C.P.I.—Crim 104.99  
LIMITATION ON CERTAIN NON-HEARSAY STATEMENTS.  
GENERAL CRIMINAL VOLUME  
REPLACEMENT OCTOBER 2023  
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104.99 LIMITATION ON CERTAIN NON-HEARSAY STATEMENTS.

Evidence is about to be introduced of statements made by [a confidential informant] [(*name person*) who has not testified during this trial]. You must not consider the statement(s) as evidence of the truth of what was said at that earlier time because it was not made under oath at this trial. If you believe that these statements were made, then you may consider them for the purpose of explaining the subsequent actions of the investigating officers; and except as it bears upon the subsequent action of the investigating officers, the statements made by the [confidential informant] [*name person*] may not be used by you in your determination of any act in this case.<sup>1</sup>

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1. *State v. Wiggins*, 185 N.C. App. 376 (2007). See also *State v. Clark*, 165 N.C. App. 279, 288 (“Here, the trial court failed to give the jury a limiting instruction. Because the jury could have considered this evidence for the truth of the matter asserted, we cannot presume it was offered and received as corroborating evidence.”), *disc. rev. denied*, 358 N.C. 734 (2004).