

N.C.P.I.-Motor Vehicle 101.37
EVIDENCE RELATING TO THE CHARACTER TRAIT OF A WITNESS
(INCLUDING A PARTY) FOR TRUTHFULNESS.
MOTOR VEHICLE VOLUME
APRIL 1986
N.C. Gen. Stat. § 8C-1, RULE 608

101.37 EVIDENCE RELATING TO THE CHARACTER TRAIT OF A WITNESS
(INCLUDING A PARTY) FOR TRUTHFULNESS.¹

Evidence has been received with regard to the character trait of the witness, (*name witness*)² for truthfulness. You may consider this evidence for one purpose only. If you believe all or any part of this evidence and find that it bears upon the witness' truthfulness, you may consider it, together with all other facts and circumstances bearing upon the witness' truthfulness, in deciding whether you will believe or disbelieve the testimony of such person at this trial. Except as it may bear on this decision, this evidence may not be considered by you in your determination of any fact in this case.

1. This instruction should be used only when the party or other witness has testified at trial. N.C. Gen. Stat. § 8C, Rule 608 allows evidence of this nature to be received for the limited purpose of supporting or attacking the credibility of a prior witness. It may be received in either the form of reputation or opinion. Ordinarily the character trait of truthfulness, or lack thereof, will be the only relevant character trait in a civil action.

2. The credibility of a hearsay declarant can also be attacked. N.C. Gen. Stat. § 8C-1-Rule 806 reads as follows:

When a hearsay statement has been admitted in evidence, the credibility of the declarant may be attacked, and if attacked may be supported, by any evidence which would be admissible for those purposes if declarant had testified as a witness. Evidence of a statement or conduct by the declarant at any time, inconsistent with his hearsay statement, is not subject to any requirement that he may have been afforded an opportunity to deny or explain. If the party against whom a hearsay statement has been admitted calls the declarant as a witness, the party is entitled to examine him on the statement as if under cross-examination.

If the evidence relates to the statement of a hearsay declarant, this instruction must be modified accordingly.