

101.36 IMPEACHMENT OF A PARTY OR WITNESS BY PROOF OF CRIME.<sup>1</sup>

Evidence has been received tending to show that [the plaintiff (*name plaintiff*)] [the defendant (*name defendant*)] [the witness (*name witness*)] has been convicted of [a] [several] criminal charge(s).<sup>2</sup> You may consider this evidence for one purpose only. If, considering the nature of the crime(s), you believe that this bears on truthfulness, then 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 witness 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.

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1. For limitations as to crimes applicable, see N.C. Gen. Stat. § 8C, Rule 609.

2. If the specific offenses are enumerated by the trial judge, all convictions which have been introduced in evidence must be included. In *State v. Wallace*, 54 N.C. App. 278 (1981), the Court of Appeals stated: "If the trial court undertakes to name or list previous convictions, however, it must be supported by the evidence so that the jury will know that the limiting instruction applies to all the prior convictions contained in the record. Fairness to the defendant may indicate that the trial judge should not list the prior convictions, especially if the defendant has a long prior criminal record." *Id.* at 283 Accord, *State v. Hedgepeth*, 66 N.C. App. 390, 397-399 (1984). Compare, *State v. Carrington*, 74 N.C. App. 40, 45-46, 327 S.E.2d 594, 597-598 (1985) (*Wallace* rule not violated where defense counsel limits number of prior convictions to which limiting instruction applies, or where other prior convictions are not within same category as offense being tried).