

1 **14-5027. Cross-examination of a character witness.**

2 _____ (*name of witness*) has testified to the good character of the
3 defendant and on cross-examination [~~he was~~] counsel asked if [~~he~~] the witness knew or had heard
4 of certain conduct of the defendant inconsistent with such good character. You may consider those
5 questions and the [~~witness~~] witness's answers only for the purpose of determining the weight to
6 be given the testimony of the witness concerning the good character of the defendant. Such
7 questions and answers are not evidence that the defendant did engage in such conduct or that the
8 reports are true.

9 USE NOTES

10 Upon request, this instruction shall be given upon completion of the testimony of the
11 witness, as well as at the time the final instructions are given to the jury.

12 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending
13 or filed on or after December 31, 2025.]

14 **Committee commentary.** — The language of this instruction was derived from California Jury
15 Instructions Criminal, 2.42. *See also People v. Grimes*, 148 Cal. App. 2d 747, 307 P.2d 932 (1957),
16 overruled in part, *People v. White*, 50 Cal. 2d 428, 325 P.2d 985 (1958); *People v. Bentley*, 138
17 Cal. App. 2d 687, 281 P.2d 1 (1955). Cross-examination of a character witness by inquiry into
18 relevant specific instances of conduct is authorized by Rule 11-405A NMRA. *See, e.g., State v.*
19 *Hawkins*, 25 N.M. 514, 184 P. 977 (1919). *See generally* Annot., 47 A.L.R.2d 1258 (1956). *See*
20 *also McCormick*, Evidence 457-59 (2d ed. 1972).

21 The necessity of a jury instruction explaining the limited purpose of the questions is assumed by
22 the courts. *See, e.g., Michelson v. United States*, 335 U.S. 469, 472, 69 S. Ct. 213, 93 L. Ed. 168

- 1 (1948). *See generally* Annot., 47 A.L.R.2d 1258, 1274 (1956). The instruction is specifically
- 2 authorized by Rule 11-105 of the Rules of Evidence.