**1A.15 LIMITING INSTRUCTION – PRIOR CONVICTIONS**

Certain prior criminal convictions may be used as evidence to suggest that a witness should not be believed as readily as a person who has not been convicted. It is for you to decide whether this evidence affects the weight to be given to the testimony of a witness.

[This evidence may not be used to prove the general character or traits of a party. All persons, regardless of their general character traits, are entitled to equal justice under the law. Thus, you are not to concern yourself with whether one party is in some ways a better person than another. You may only consider whether evidence of prior convictions makes a witness less believable than he otherwise would have been.]

Use Note

This instruction should be given whenever parties are impeached with evidence of prior convictions. In such cases, the bracketed second paragraph always should be used. It is not as important that the instruction be given when a non-party witness is impeached with a prior conviction, but the instruction may help the jury to understand the significance of the evidence. When a non-party is impeached, only the first paragraph should be used.

Comment

Because Alaska R. Evid. 609 is more restrictive than many jurisdictions in its provision for the admission of prior conviction evidence, some of the problems of prejudice that arise elsewhere should not arise in Alaska. Still, any time that a party testifies and is impeached with a prior conviction, there is a chance that the jury will disfavor that party, not because the party is untruthful, but because of **his** prior criminal record.

It is not possible to insure completely that the jury will not misuse prior conviction evidence. But the kinds of convictions that are admissible under Alaska R. Evid. 609 are such that this instruction should go a long way to prevent possible prejudice.