

Evidence of Prior Conviction to Prove Element of Offense

During the trial you heard evidence concerning whether the defendant had previously been convicted of **[insert offense]**. The one and only reason you were permitted to hear that evidence is that one of the elements of the offense is a prior conviction of **[insert offense]**. This is the only reason evidence about whether the defendant has previously been convicted of **[insert offense]** was admitted, and that is the only purpose for which you may consider it.

You are not to consider the evidence that the defendant may have been convicted of **[insert offense]** on a previous occasion as evidence that he/she did commit the alleged **[insert charged offense]** with which he/she is charged in this case. The law of this state requires that when you are deciding whether the State has proved beyond a reasonable doubt that the defendant committed the alleged **[insert charged offense]** charged in this case, you cannot consider any evidence that the defendant may have previously been convicted of **[insert offense]**.

Use Notes

The limiting charge concerning evidence of a prior conviction is based on the jury instruction used for § 13A-5-40(a)(13), Ala. Code 1975.

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