

Good Character of Defendant

During the trial you have heard evidence of the defendant's **[general reputation in a community] (OR) [reputation in a community for a particular trait that is involved in the crime charged – insert specific trait]** in an effort to show that the defendant likely acted in keeping with such **[reputation or trait]**.

You should consider any such evidence along with all the other evidence in deciding whether or not you have a reasonable doubt about the defendant's guilt.

[Read as appropriate]: The State has offered rebuttal evidence regarding the defendant's **[reputation or trait]**. You should consider such evidence along with all the other evidence in deciding whether or not you have a reasonable doubt about the defendant's guilt.

Use Notes

The failure to give an instruction as to the defendant's reputation is reversible error. Toles v. State, 54 So.2d 1171 (Ala. Crim. App. 2002).

The character witness may testify as to reputation only. Jones v. State, 53 Ala.App. 690, 304 So.2d 34, cert. denied, 293 Ala. 261, 304 So.2d 38 (1974). See C. Gamble, McElroy's Alabama Evidence § 27.01(1) (4th ed. 1991).

[Approved 11/22/24]