

## **Rule 404. Character Evidence; Crimes or Other Acts**

### **(a) Character Evidence.**

- (1) *Prohibited Uses.*** Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.
- (2) *Exceptions for a Defendant or Victim in a Criminal Case.*** The following exceptions apply in a criminal case:
  - (A)** a defendant may offer evidence of the defendant's pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it;
  - (B)** subject to the limitations in Rule 412, a defendant may offer evidence of an alleged victim's pertinent trait, and if the evidence is admitted, the prosecutor may:
    - (i)** offer evidence to rebut it; and
    - (ii)** offer evidence of the defendant's same trait; and
  - (C)** in a homicide case, the prosecutor may offer evidence of the alleged victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.
- (3) *Exceptions for a Witness.*** Evidence of a witness's character may be admitted under Rules 607, 608, and 609.

## **Rule 405. Methods of Proving Character**

- (a) *By Reputation or Opinion.*** When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person's conduct.
- (b) *By Specific Instances of Conduct.*** When a person's character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.