

3.4 Character of Defendant

Comment

The Committee believes that the trial judge need not give an instruction on the character of the defendant when such evidence is admitted under Fed. R. Evid. 404(a)(1) because it adds nothing to the general instructions regarding the consideration and weighing of evidence. *See United States v. Kartermann*, 60 F.3d 576, 579 (9th Cir. 1995) (holding that refusal of trial court to instruct on character of defendant was not plain error when “the district court instructed the jury to ‘consider all of the evidence introduced by all parties,’ to ‘carefully scrutinize all the testimony given,’ and to consider ‘every matter in evidence which tends to show whether a witness is worthy of belief.’”); *see also* Fed. R. Evid. 404(a)(1).

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