

4.09. Restricted Admissibility of Relevant Evidence

(1) Evidence may be admitted for one purpose but not for another, or as to one party but not as to another.

(2) In a trial by jury, the court shall provide an instruction on the scope of the evidence to the jury, as may be necessary or required by request of a party or by statute or decisional law.

Note

Subdivision (1). This rule is derived from Court of Appeals precedent holding that evidence is admissible as to any party or for any relevant purpose even though it may be inadmissible as to another party or for another purpose. In such circumstances, jury instructions as to the limited purpose for which the evidence may be considered are appropriate. (*Kish v Board of Educ. of City of N.Y.*, 76 NY2d 379, 385 [1990] [limited purpose]; *People v Williams*, 50 NY2d 996, 998 [1980] [limited purpose]; *People v Marshall*, 306 NY 223, 227 [1954] [admissible as to one defendant but not a codefendant].)

Subdivision (2). The request for a limiting instruction may be made when the evidence is admitted and at the close of trial for inclusion in the court's charge to the jury. (*Williams*, 50 NY2d at 998.)