

Rule 105. Limited Admissibility

When evidence which is admissible as to one party or for one purpose but not admissible as to another party or for another purpose is admitted, the court, upon request, shall restrict the evidence to its proper scope and instruct the jury accordingly.

Committee Comment - 1977

Consistent with Rule 103 the rule places the burden on the opposing party to request a limiting instruction before a court is required to give such an instruction. This is generally consistent with existing practice. State v. DeZeler, 230 Minn. 39, 48, 41 N.W.2d 313, 319, 15 A.L.R.2d 1137 (1950); State v. Soltau, 212 Minn. 20, 25, 2 N.W.2d 155, 158 (1942). The rule should not be read to indicate that a limiting instruction in every case will cure any potential prejudice that might be encountered by the admission of the evidence. E.g., Bruton v. United States, 391 U.S. 123, 88 S. Ct. 1620, 20 L.Ed.2d 476 (1968). Such a decision is for the court to make under Rule 403 or applicable statutory or constitutional provisions.