

1.12 GENERAL PROVISIONS FOR STANDARD CHARGE
(Approved 11/98)

J. Direct and Circumstantial Evidence or Inferences

[*Choose one*]

1. Direct and Circumstantial Evidence

Evidence may be direct or circumstantial. Direct evidence is direct proof of a fact, such as the testimony of an eyewitness.

Circumstantial evidence (sometimes called inferences) consists of a chain of circumstances pointing to the existence of certain facts.

Circumstantial evidence is based upon deductions or logical conclusions that you reach from the direct evidence.

(Let me give you an example of direct and circumstantial evidence. If a witness testified that he/she observed snow falling last night, that would be an example of direct evidence. On the other hand, if a witness testified that there was no snow on the ground before going to sleep and that when he/she arose in the morning the ground was snow covered, you could *infer* from these facts that it snowed during the night. That would be an example of circumstantial evidence.)

You may consider both direct and circumstantial evidence in deciding this case. The law permits you to give equal weight to both, but it is for you to decide how much weight to give to any evidence.

2. Inferences

When deciding this case, you are permitted to draw inferences from the evidence. Inferences are deductions or logical conclusions drawn from the evidence. Use logic, your collective common knowledge and your common sense when determining what inferences can be made from the evidence.