

101.45 CIRCUMSTANTIAL EVIDENCE.

*NOTE WELL: In S. v. Adcock, 310 N.C. 1, (1984), the North Carolina Supreme Court recommended an instruction in any criminal case based in part or entirely on circumstantial evidence. This instruction attempts to adapt it to civil cases.*

There are two types of evidence from which you may find the truth as to the facts of a case-direct and circumstantial evidence. Direct evidence is the testimony of one who asserts actual knowledge of a fact, such as an eyewitness; circumstantial evidence is proof of a chain or group of facts and circumstances pointing to the existence or non-existence of certain facts. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. The law simply requires the party having the burden of proof on a particular issue to satisfy the jury as to that issue by the greater weight of all the evidence in the case.