

104.05 CIRCUMSTANTIAL EVIDENCE.

*NOTE WELL: In S. v. Adcock, 310 N.C. 1, 36, (1984), the North Carolina Supreme Court recommended the following instruction in any case based in part or entirely on circumstantial evidence.*

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 indicating the guilt or innocence of a defendant. 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. You should weigh all the evidence in the case. After weighing all the evidence, if you are not convinced of the guilt of the defendant beyond a reasonable doubt, you must find the defendant not guilty.