

301.10 ALIBI.¹

The defendant contends that *he* was at some other place at the time the offense is alleged to have taken place. This is known as an alibi. The word "alibi" simply means "somewhere else."

The burden of proving an alibi does not rest upon the defendant. To establish the defendant's guilt, the State must prove beyond a reasonable doubt that the defendant was present at and participated in the crime charged. The defendant's contention that *he* was not present and did not participate is simply a denial of facts essential to the State's case.

Therefore, I charge that if, upon considering all the evidence in the case, including the evidence with respect to alibi, you have a reasonable doubt as to the defendant's presence at or participation in the crime charged, you must find *him* not guilty.

1. An instruction on alibi is required only if the defendant specially requests it. *State v. Hunt*, 283 N.C. 617 (1973).