

100.10 OPENING STATEMENT.¹

Members of the jury, the attorneys will now make their opening statements. The purpose of an opening statement is narrow and limited.

An opening statement is a forecast of what the attorney believes the evidence will be in the coming trial. By it, the parties, through their attorneys, set forth the grounds for their respective claims or defenses.²

You must not consider an opening statement as evidence.³

The evidence will come in the form of the testimony of the witnesses, the admissions of the parties, the stipulations of counsel, or any documents, photographs or tangible objects that may be introduced into evidence as exhibits by the parties.

[The Court sets a time limit of (*state time limit*) for each side.]⁴

1. See General Rules of Practice for the Superior and District Courts, Rule 9.

2. See *State v. Paige*, 316 N.C. 630, 647, 343 S.E.2d 848, 858-59 (1986).

3. Under some circumstances, representations made by counsel in opening statements may constitute admissions against interest and, therefore, may be considered as evidence. See N.C. Gen. Stat. § 8C-1, Rule 801(d).

4. The time limit, if one is set, is in the discretion of the trial judge. See General Rules of Practice for the Superior and District Courts, Rule 9.