### IDJI 1.24.2 – Circumstantial evidence with definition

INSTRUCTION NO \_\_\_

Evidence may be either direct or circumstantial. Direct evidence is evidence that directly proves a fact. Circumstantial evidence is evidence that indirectly proves the fact, by proving one or more facts from which the fact at issue may be inferred.

The law makes no distinction between direct and circumstantial evidence as to the degree of proof required; each is accepted as a reasonable method of proof and each is respected for such convincing force as it may carry.

Comments:

Two alternatives are offered, one including a brief definition of the term “circumstantial” and one without. The committee felt that the essential point to the instruction is that there is no difference in degree of proof required between direct and circumstantial evidence, and that the definition of the term “circumstantial” is cumbersome and unnecessary. The recommendation is to use the first alternative is the usual case. However, if the lawyers would not be permitted to explain circumstantial evidence by example within the context of the case during argument, it may be necessary to request the second alternative.