

Exhibits

In addition to assessing the credibility of the witnesses and the weight to be given to their testimony, you should also evaluate the exhibits that you will have with you in the jury room. Examine them and consider them carefully.

However, bear in mind that merely because an exhibit has been admitted into evidence does not mean that you are required to accept it at face value. Like the testimony of a witness, the significance of an exhibit or the weight you attach to it will depend upon your evaluation of that exhibit in light of all the facts and circumstances of the case.

Direct and Circumstantial Evidence/Inferences

As I mentioned previously, you may consider only the evidence that is properly before you. However, that does not mean that, in determining the facts, you are limited to the statements of the witnesses or the contents of the exhibits.

In reaching your conclusions, you are permitted to draw, from facts that you find have been proven, such reasonable inferences as seem justified in the light of your experience. Inferences are deductions or conclusions that reason and common sense lead you to draw from facts, which have been established by the evidence in the case.

Such evidence is sometimes called circumstantial evidence. To put it another way, a fact may be proved either by direct evidence or by circumstantial evidence. Direct evidence includes such things as the testimony of an eyewitness who personally observed the fact in question or a photograph or document showing the actual thing described.

Circumstantial evidence consists of proof of a series of facts or circumstances from which the existence or nonexistence of another fact may be reasonably inferred. In simple terms, circumstantial evidence are facts that you figure out from knowing other facts. For example, if you go to bed on a clear and dry night, and you awake to find that the pavement outside is wet, you may infer that it rained during the night even though you did not see the rain actually fall. In that example, you used the facts of a dry pavement when you went to sleep and a wet pavement when you awoke to figure out that it had rained.

The law makes no distinction between direct and circumstantial evidence concerning the weight to be given each. That means that whether you saw the rain fall or you figured out that it must have rained does not make any difference if you have concluded by one method or the other that it actually rained. It is for you to decide how much weight to give any evidence. However, the law does require that any fact required to convict Mr. Alcantara be proven beyond a reasonable doubt.

Conduct of Court – General

As I have said before, it is up to you to determine the facts in this case. You should not interpret anything I have said or done during this trial as expressing an opinion on my part as to what the facts in this case are. I have not intended to express any such opinion and you should not be concerned about what my opinions might be regarding the facts. That is a matter for you to decide.