

10.2 Direct and Circumstantial Evidence

[Download Word](#) [Print](#)

(Last revised June 2012)

- [1] As I explained at the beginning of the trial, you may rely on direct evidence and on circumstantial evidence in reaching your verdict. Let me remind you what these terms mean.
- [2] Usually, witnesses tell us what they personally saw or heard. For example, a witness might say that he or she saw it raining outside. That is called direct evidence.
- [3] Sometimes, however, witnesses say things from which you are asked to draw certain inferences. For example, a witness might say that he or she had seen someone enter the courthouse lobby wearing a raincoat and carrying an umbrella, both dripping wet. If you believed that witness, you might infer that it was raining outside, even though the evidence was indirect. Indirect evidence is sometimes called circumstantial evidence.
- [4] Exhibits, also, may provide direct or circumstantial evidence.
- [5] In reaching a verdict, you can take both kinds of evidence into account. In each case, your job is to decide what conclusions you will reach based upon the evidence as a whole, both direct and circumstantial.

Where the evidence for the prosecution is entirely or substantially circumstantial, it is necessary to give a further instruction:

However, you cannot reach a verdict of guilty based on circumstantial evidence unless you are satisfied beyond a reasonable doubt that (NOA)'s guilt is the only rational^[1] conclusion to be drawn from the whole of the evidence.

[1] [Regina v. Griffin](#), 2009 SCC 28, at para. 33.