

Preponderance of the Evidence

In this case it is the responsibility of the **[State/Defendant]** to prove every essential part of his/her/its claim[s], **[describe claim]**, by a “preponderance of the evidence.”

A “preponderance of the evidence” means an amount of evidence that is enough to persuade you that the **[State/Defendant]**’s claim is more likely true than not true. If the proof fails to establish any essential part of a claim or contention by a preponderance of the evidence, you should find against the **[State/Defendant]** making that claim or contention.

[Read as appropriate]: When more than one claim is involved, you should consider each claim separately.

In deciding whether any fact has been proved by a preponderance of the evidence, you may consider the testimony of all of the witnesses, regardless of who may have called them, and all of the exhibits received in evidence, regardless of who may have produced them.

If the proof supports every essential part of the **[State/Defendant]**’s claim[s] by a preponderance of the evidence, you should find for the **[State/Defendant]** as to that claim.

If the proof fails to establish any essential part of the **[State/Defendant]**’s claim[s] by a preponderance of the evidence, you should find for the **[Defendant/State]** as to that claim.

Use Notes

This instruction is based on a federal civil charge. See 11th Circuit Pattern Jury Instructions, Civil 3.7.1.

[Approved 06-17-16.]