

230 CIRCUMSTANTIAL EVIDENCE

It is not necessary that every fact be proved directly by a witness or an exhibit. A fact may be proved indirectly by circumstantial evidence. Circumstantial evidence is evidence from which a jury may logically find other facts according to common knowledge and experience.

Circumstantial evidence is not necessarily better or worse than direct evidence. Either type of evidence can prove a fact.

COMMENT

This instruction was initially approved in 1972 and revised in 1991 and 2010. This instruction is based on Wis JI-Criminal 170.

See Krause v. Milwaukee Mut. Ins. Co., 44 Wis.2d 590, 172 N.W.2d 181 (1969); Pfeifer v. Standard Gateway Theater, Inc., 259 Wis. 333, 48 N.W.2d 505 (1950); Truelsch v. Miller, 186 Wis. 239, 202 N.W. 352 (1925); Guillaume v. Wisconsin-Minnesota Light & Power Co., 161 Wis. 636, 155 N.W. 143 (1915); 29 Am. Jur.2d Evidence " 264-65 (1967); Reicher v. Rex Accessories Co., 228 Wis. 425, 436, 279 N.W. 645 (1938); Cooper v. Chicago & N.W. Ry., 155 Wis. 614, 619, 145 N.W. 203 (1914); 30 Am. Jur.2d Evidence § 1091 (1967); Rumary v. Livestock Mortgage Credit Corp., 234 Wis. 145, 147, 290 N.W. 611 (1940); Hyer v. Janesville, 101 Wis. 371, 77 N.W. 729 (1898).