

Evidentiary Inferences

*(If a circumstantial evidence charge is to be given,
the following should be omitted)*

In evaluating the evidence, you may consider any fact that is proven and any inference which may be drawn from such fact.¹

To draw an inference means to infer, find, conclude that a fact exists or does not exist based upon proof of some other fact or facts.

For example, you go to bed one night when it is not raining; when you wake up in the morning, you look out your window; you do not see rain but you see that the street and sidewalk are wet, and that people are wearing raincoats and carrying umbrellas. Under those circumstances, it may be reasonable to infer, conclude, that it had rained. In other words, the fact of it having rained while you were asleep is an inference that might be drawn from the proven facts of the presence of the water on the street and sidewalk, and people in raincoats and carrying umbrellas.

An inference must only be drawn from a proven fact or facts and then only if the inference flows naturally, reasonably and logically from the proven fact or facts, not if it is speculative.² Therefore, in deciding whether to draw an inference, you must look at and consider all the facts in the light of reason, common sense, and experience.

1. See *People v Benzinger*, 36 NY2d 29 (1974).
2. See *People v Benzinger*, *supra*, 36 NY2d at 32.