**Trial: Evidence and Burden of Proof Key Terms**

1. Burden of Proof – the legal requirement to introduce enough evidence to prove an alleged fact or set of facts based on the weight of the evidence (not the amount of evidence) to convince a jury or judge
2. Preponderance of the Evidence – the burden of proof necessary in order to win a civil case; requires that more than 50% of weight of the evidence be in favor of the party who wins the case
3. Beyond a Reasonable Doubt – burden of proof necessary in order to convict a person of a crime; does not need to convince the judge or jury 100%, but if they have any reasonable doubt about the defendant’s guilt, they cannot vote to convict the defendant
4. Reasonable Doubt – the doubt that a reasonable person might have about the truth of an allegation of fact, or set of facts, after hearing the evidence
5. Prosecutorial Discretion – the decision-making power of prosecutors in handling criminal cases; includes the decision to charge, dismiss charges, and/or plea-bargain
6. Evidence – anything that can be used by a judge or jury in deciding the facts of a case; it may take many forms, such as a testimony by a witness, documents, videotapes, photographs, physical objects, etc.
7. Direct Evidence – evidence that, if believed, can directly prove a fact; ex: testimony of an eyewitness
8. Circumstantial Evidence – indirect evidence that provides the judge or jury with information from which inferences may be drawn; ex: hear gunshots and moments later see a woman run by carrying a smoking gun – infer that she fired the shots
9. Real Evidence – tangible evidence that may be admitted during a case; ex: a weapon used in a crime; also called *actual evidence*.
10. Demonstrative Evidence – a type of actual evidence or exhibit created to be used in court; ex: charts.
11. Documentary Evidence – a type of actual evidence that includes writings; ex: business records.
12. Testimony – evidence given under oath, either orally or by affidavit, by a competent witness.
13. Offered – evidence presented by a party in a court case; in order to be admitted into evidence, it must fall under the proper rule of evidence, or it may be kept out of the proceeding; ex: must be relevant to the case at hand
14. Admitted – if not challenged as violating the rules of evidence by the opposing side, evidence “comes in” and is made a part of the case; admitted evidence can be considered by the judge or jury in rendering a decision