

30.2 Due Process Requirements

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The federal constitutional right to due process of law requires that the State prove beyond a reasonable doubt every fact necessary for a criminal conviction. *In re Winship*, 397 U.S. 358 (1970). A conviction predicated on evidence insufficient to permit a reasonable juror to find that the State has proven beyond a reasonable doubt every element of the particular offense charged and that the defendant is the perpetrator of that offense violates the Fourteenth Amendment to the U.S. Constitution. *Jackson v. Virginia*, 443 U.S. 307 (1979).

The federal due process standard for sufficiency is “whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Jackson*, 443 U.S. at 319 (emphasis in original). The North Carolina courts have held that the state standard for determining the sufficiency of the evidence, discussed *supra* in § 30.1, is the same in substance as the federal due process standard set out in *Jackson*. See *State v. Jones*, 303 N.C. 500 (1981); see also 1 KENNETH S. BROUN, BRANDIS & BROUN ON NORTH CAROLINA EVIDENCE § 39, at 141–45 (7th ed. 2011) (discussing the sufficiency of evidence).