30.2 Due Process Requirements

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 147–51 (8th ed. 2018) (discussing the sufficiency of evidence).