

N.C.P.I.—Crim. 104.65
STIPULATIONS.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016

104.65 STIPULATIONS.¹

The State and defendant (*name defendant*) have agreed or stipulated that certain facts shall be accepted by you as true without further proof. The agreed facts in this case are as follows:

(Here read stipulated facts)

Since the parties have so agreed, you are to take these facts as true for the purpose of this case.

¹ A stipulation is a judicial admission and ordinarily is binding on the parties who make it. *State v. Huey*, 204 N.C. App. 513, 518 (2010) (*citing State v. Murchinson*, 18 N.C. App. 194, 197 (1973)). A stipulation of fact is an adequate substitute for proof in both criminal and civil cases. *State v. Smith*, 291 N.C. 438 (1976) (*citing State v. Powell*, 254 N.C. 231 (1961)). Such an admission is not evidence, but rather removes the admitted fact from the field of evidence by formally conceding its existence. It is binding in every sense, preventing the party who makes it from introducing evidence to dispute it, and relieving the opponent of the necessity of producing evidence to establish the admitted fact. In short the subject matter of the admission ceases to be an issue in the case. *Id.* at 441 (*citing State v. Powell*, 254 N.C. 231 (1961)).

