

prima facie

Prima facie is Latin for "at first sight," or "on the face of it."

Prima facie is used in court to indicate that there is sufficient or adequate evidence to support a claim . More simply put, a prima facie case means that the claim being presented to a court has merit, when taken at face value.

A prima facie case is the establishment of a legally required rebuttable presumption . In other words, a prima facie case is a cause of action or defense that is sufficiently established by a party's evidence to justify a verdict in their favor, provided such evidence is not rebutted by the other party.

Prima facie evidence/claims are used in criminal courts, as well as civil courts, most commonly in tort law. In fact, various torts will typically have prima facie cases attached to them. In a prima facie tort claim, the plaintiff first provides evidence that a tort was committed by the defendant , then the burden of proof shifts to the defendant to disprove they committed the tort.

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Keywords

- tort law
- criminal law
- evidence
- burden of proof
- trial
- PRIMA FACIE
- Trespass

relevant legislative history. *State v. Bower*, 442 N.W.2d 438, 1989 N.D. LEXIS 131 (N.D. 1989).

Tortious Interference With Prospective Business Advantage.

Racing simulcast provider and its owner were not entitled to recovery against an em-

ployee for tortiously interfering with their prospective business advantage. The employee did not violate N.D.C.C. §§ 12.1-11-02(1) and 12.1-11-03(1) by offering a statement of his opinion to law enforcement officers. *Bala v. Stenehjem*, 671 F.Supp.2d 1067, 2009 U.S. Dist. LEXIS 111133 (D.N.D. 2009).

DECISIONS UNDER PRIOR LAW

Justified Reliance.

A party to a contract, in the absence of knowledge putting him on inquiry, was justified in relying on statements of fact regarding the

property involved. *Moone v. Martin State Bank*, 59 N.D. 352, 230 N.W. 11, 1930 N.D. LEXIS 149 (N.D. 1930).

12.1-11-03. False information or report to law enforcement officers or security officials.

A person is guilty of a class A misdemeanor if that person:

1. Gives false information or a false report to a law enforcement officer which that person knows to be false, and the information or report may interfere with an investigation or may materially mislead a law enforcement officer; or
2. Falsely reports to a law enforcement officer or other security official the occurrence of a crime of violence or other incident calling for an emergency response when that person knows that the incident did not occur. "Security official" means a public servant responsible for averting or dealing with emergencies involving public safety.

Source: S.L. 1973, ch. 116, § 11; 1999, ch. 121, § 1.

NOTES TO DECISIONS

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12.1-11-04. General provisions.

1. Falsification is material under sections 12.1-11-01, 12.1-11-02, and 12.1-11-03 regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the official proceeding or the disposition of the matter in which the statement is made. Whether a falsification is material in a given factual situation is a question of law. It is no defense that the declarant mistakenly believed the falsification to be immaterial.
2. It is no defense to a prosecution under sections 12.1-11-01 or 12.1-11-02 that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the state-