

Criminal v. Civil

### **How does the Case start?**

Criminal- govt brings a person to court—Prosecutor (in the Federal System it requires an indictment by a Grand Jury)

Civil- an individual/corp. or govt brings to court—Plaintiff (starts by merely giving the other party a summons and complaint and filing same with the Court)

### **Purpose of the Case**

Criminal- Punishment, possible loss of liberty (incarceration)

Civil- Compensation-most often one person has to pay another- NO LOSS OF LIBERTY INVOLVED.

### **Proof**

Criminal- Proof beyond a reasonable doubt

Civil- Preponderance of the evidence

### **Jury**

Criminal-12 all of whom must be unanimous

Civil-most often 6, and majority rule

### **Determination**

Criminal-Convict/Acquit

Civil-Liable/Not Liable

### **Other**

Criminal case- generally requires that the person have intent (in some cases recklessness will suffice) as well as commit an act, and a person is only held responsible for what could reasonably be anticipated from that act.

Civil case- simple negligence ( a mistake), generally held liable for all the consequences unless they are too remote.

Example- A child runs from between cars and is struck by a car and significantly injured- You may be civilly liable if its' shown you were negligent but unlikely you will be criminally prosecuted unless you were texting while the event occurred.

OJ was acquitted in Criminal Court but

Liabile in Civil Court for money damages to the two families who's members were killed.

Attorneys in the Civil Matter only had to prove that OJ was likely to have done it, - much lower degree of proof. The Jury did not have to unanimously decide.

Double Jeopardy Federal and State

A La Mississippi Burning

State passes laws- homicide w/in the State a criminal matter

Federal govt. passes laws- (NOT ALL CRIMES ARE "FEDERAL CRIMES" ONLY IF CONGRESS HAS PASSED IT AND THE PRESIDENT SIGNS OR CONGRESS OVERCOMES A VETO—AND THE LAW IS W/IN THE PARAMETERS OF THE CONSTITUTION.

interference with a person's civil rights a crime

homicide involving a federal govt. official is a crime