

Difference between criminal and civil cases

Government



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Difference Between Criminal and Civil Cases PA101: The Paralegal

Professional Unit 8 Dianna Marsh 11/13/2012 In today's society there are rules and regulations in place that determine how citizens are to behave. When these rules are not upheld, a need to resolve or punish the offending parties exist. Whether the offense is criminal or civil, the case is settled in a court of law.

Although there are similarities between civil and criminal cases, there are many differences in the way these cases are handled. Both criminal and civil cases starts with filing a complaint. The parties that file the complaint is called the plaintiff. In a civil case the plaintiff can be an individual, corporation or government agency. In a criminal case the plaintiff is always the state or federal government. One of the key differences between civil and criminal cases is the burden of proof. In a civil case the burden of proof depends on a preponderance of evidence.

In legal terms, a preponderance of evidence means that a party has shown that its version of facts, causes, damages, or fault is more likely than not the correct version, as in personal injury and breach of contract suits. This standard is the easiest to meet and applies to all civil cases unless otherwise provided by law. (Preponderance of the Evidence, 2010) In a criminal case the Burden of Proof is the responsibility of the plaintiff.

The plaintiff must prove guilt beyond reasonable doubt. For example, in the case of the State v O. J. Simpson. The state of California was unable to prove guilt beyond reasonable doubt, that is why OJ was found not guilty of the murders he was accused of.

He was, however found guilty of wrongful death in a civil suit filed against him with the same evidence. It is the juries responsibility to review the evidence and reach a verdict in the case. In a criminal case, the jury must return a unanimous vote for conviction. This is determined by whether or not the evidence and testimony presented proves guilt beyond reasonable doubt.

If unable to do this, a not guilty verdict is reached and the defendant is released. In a civil case only 51% or 9 of 12 jurors votes need to be obtained for a guilty verdict. Once the verdict is reached a sentence or punishment is handed down by the judge. There are differences in this too. In a criminal case the punishment can be as little as a fine or as large as capital punishment, but most normally receives imprisonment. In a civil case punishment is usually monetary. You cannot be sent to prison. There are many other difference, but these are only a few.

These systems are in place because they deal with the civil rights of an individual, and the protection of those rights. References: Cheeseman, H. ; Goldman, T. (2010). The paralegal professional (3rd ed.).

Upper Saddle River, NJ: Pearson/Prentice Hall. [www. courts. uslegal. com](http://www.courts.uslegal.com), Burden of Proof, Preponderance of the Evidence, 2010