

CIVIL LAWS vs. CRIMINAL LAWS

Criminal Laws-Criminal Laws are created by the legislature to prevent and deter citizens from committing criminal acts. The legislature has passed several laws to punish citizens who injure others while driving intoxicated. The following demonstrates the steps covered in criminal law enforcement:

1. Law enforcement (police officer) apprehends the criminal.
2. The Prosecutor
3. (County Attorney) must prove the alleged criminal's guilt to a jury "Beyond A Reasonable Doubt" standard.
4. The alleged criminal hires an attorney or a public defender to defend his/her rights.
5. A jury decides guilt or innocence 'Beyond a reasonable doubt.
6. A judge manages the trial and if the defendant is found guilty, sentences the criminal to jail/prison and sets the fine.
7. The Department of Corrections (Prison Administration) carries out the punishment by incarcerating the individual in a prison or jail for the length of the term.

Civil Laws-Civil Laws are also created by the legislature in order to protect the property rights (including bodily injury) of its citizens. For instance, a person who was injured by a drunk driver can sue that drunk in a civil case and under some circumstances can also sue the bar that illegally served that drunk.

1. A victim (plaintiff) can hire a trial attorney to sue the person who caused their harm (defendant). The Plaintiff's attorney must prove up the case "by a preponderance of the evidence."
2. The defendant then hires an attorney to defend him/her. If the defendant has insurance, the insurance company will hire an attorney to represent him/her.
3. Judge/Jury. A judge or a jury will hear the civil case and will decide by a "preponderance of the evidence" if the defendant was at fault, and if so, how much money the defendant will be required to pay to the victim.
4. Money Damages Only. In a civil case money damages are the only penalty. Jail and prison are NOT an option in a civil case.

Burden of Proof: Criminal vs. Civil

CRIMINAL-In a criminal case, the state's attorney must prove the defendant is guilty **beyond a reasonable doubt**. If after hearing all the evidence of the case, the jury is not convinced beyond a reasonable doubt that the defendant has committed the crime he/she is accused of, they cannot convict. This is a much higher burden of proof standard than is needed in a civil case because the rights, freedom, life and reputation of the defendant are at stake.

CIVIL-On the other hand, in a civil case, the plaintiff's attorney must prove up the case against the defendant by a **preponderance of the evidence**. If the evidence shown to the jury proves that the defendant is 51% or more negligent (imagine a scale of justice with the tipping of the scale by the weight of a feather), the jury must find against the defendant.