**Criminal and Civil Law Cut-and-Paste**

Directions: Cut out boxes and place where you think they belong on the chart. Wait to paste until you have your answers checked.

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| * Either can appeal to a higher court * New decision or reduction of award money | * Prosecution (government, District Attorney) * Defendant accused of crime | * Penal codes are written by federal, state and local governments * To prevent and punish behavior that hurts people or society in general |
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| * Civil law handles lawsuits, or disputes between civilian people and groups * Establishes what constitutes legal responsibility between citizens | * Defendant may appeal on the basis of trial errors or violation of rights * Prosecution can’t retry (Double jeopardy) * Parole may be given to shorten a jail sentence, with conditions | * Plaintiff filing suit * Defendant being sued * Class action: Many plaintiffs together (ex. customers suing a company) |
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| * Judge only or jury in some cases involving large sums of money * Plaintiff has the burden of proof to show the defendant is liable for damages, to show a “preponderance of evidence” (more than 50% chance they are responsible) | * Felonies are serious crimes that result in more than one year in state or federal prison: violent crimes, crimes against property * Misdemeanors are less serious crimes that usually result in a fine or less than one year in a local prison * Ex. Petty theft vs. armed robbery, simple assault vs. rape, possession vs. dealing * “Victimless” crimes: no seatbelt, underage drinking, etc. | * Plaintiff retains legal counsel, who files complaint in court * Defendant is summoned to court, may retain counsel and respond/counter-sue * Discovery process starts to share all evidence before trial: settlement, mediation, or arbitration may occur to prevent it going to court |

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| * Plaintiff wins – awarded money to be paid by defendant * Compensatory: to pay for the estimated cost of the damage (bills, salary, etc.) * Punitive: to punish the defendant for intended damage, to deter others from doing the same * Plaintiff loses – may have to pay defendant’s court cost | * Broken contracts and family matters, like divorce * Torts – civil wrongs committed by someone who is legally “liable” or responsible for harm/loss * In equity – to stop a future action through an injunction (ex. property disputes, like to challenge eminent domain) * Negligence – harm resulting from carelessness (ex. workplace injury) | * Jury selection: *voir dire* * Witnesses subpoenaed * Judge decides on contempt of court, perjury, objections, legal questions * Bailiff helps keep order, watches jury and witnesses * Opening statement, witness testimony and cross-examination, closing statements * Prosecution has the “burden of proof” to show guilt beyond all reasonable doubt |
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| * Jurors meet in secret, may be sequestered if necessary * If they can’t decide (hung jury), a mistrial is called and the prosecution must decide whether or not to start over * Not Guilty – Acquitted,  Guilty – Judge gives sentencing * Unless the crime has a mandatory sentence, the judge chooses: fine, community service, probation, rehab, mental institution, prison | * Arrest with proper warrants and Miranda rights, taken in and booked, defendant may retain legal counsel * *Habeas corpus*: judge decides if accused should be held or released  on bail, public defender provided if necessary * There may be a grand jury indictment * Arraignment hearing for defendant to enter plea (If guilty/no contest - no trial), plea bargaining may occur, defense may request change of venue |  |