



The Difference Between a Civil and Criminal Case

Civil and criminal cases both consider violations of people's rights and who is at fault. However, they differ in structure, burdens of proof, and penalties.

A civil case involves a dispute between two people, or parties, on a certain issue. One party sues the other, and the jury determines liability and the amount of damages. The court may order the party found at fault to pay money to the injured party or to fulfill an obligation, such as honoring a contract.

Criminal law considers a crime an act against society rather than an individual. Therefore, the government brings legal action against a person for committing a crime. If found guilty, the defendant may have to pay a fine, serve time in jail or prison, or be placed on probation. The law and society view jail time, or incarceration, as the loss of one's personal freedom and thus, a more severe penalty than a monetary fine.

Because the stakes are so much higher for a defendant in the criminal case than between two parties in a civil case, the justice system also includes safeguards to protect a defendant's rights. These include the presumption of innocence, or that the person is innocent until proven guilty. Instead of the defendant having to prove his or her innocence, the prosecution must prove the defendant's guilt beyond a reasonable doubt.

The burden of proof is much lighter in a civil case. In civil matters, a preponderance of evidence showing a more than 50 percent chance that one of the parties is at fault is all that's necessary.

Defendants in criminal cases have other constitutionally guaranteed rights. These include the right to an attorney, whether privately hired or appointed by the court; the right not to be forced to incriminate themselves, the right to compel witnesses to testify in their defense, and the right to confront through cross-examination witnesses who testify against them.

Crimes have different degrees of seriousness. A citation, including traffic violations like speeding or parking illegally, usually results in a fine of less than \$100. Misdemeanors include shoplifting, resisting arrest, simple battery, or public drunkenness and may carry a jail sentence of one year or less.

Felonies are the most serious crimes like robbery, kidnapping, rape, and murder and carry a maximum sentence of more than one year.