

Types of Cases – Criminal vs. Civil

Criminal case

A criminal charge is a violation of the criminal law that is considered an offense against the community (technically the Commonwealth). An individual can be charged with Murder of the First Degree, Murder of the Second Degree, a felony, a misdemeanor, or a summary offense.

Filed by:

The government, usually through the District Attorney's Office or the Office of the Attorney General.

Burden of proof:

Beyond a reasonable doubt.

Punishment:

May involve jail time, fines, community service, restitution, probation or other sanctions designed to punish, treat or rehabilitate. In limited 1st degree murder cases, the penalty may be a death sentence.



Common types:

- Assault
- Burglary
- Robbery
- Drug
- DUI
- Disorderly conduct
- Domestic violence
- Harassment
- Homicide
- Shop lifting / theft

Case resolution:

Cases may be adjudicated by entering a plea, going to trial by judge or jury, complete a diversionary program, or by having the case dismissed/withdrawn.

Civil case

A person, business or organization sues another because of a dispute.

Filed by:

Private party
(usually – may be instituted by the government)



Burden of proof:

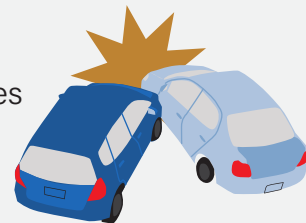
Preponderance of the evidence-the party with the burden must convince the fact finder there is greater than 50% chance that the claim is true.

Punishment:

Usually compensation for injury or damages. May also seek a declaratory judgment establishing rights or obligations, or injunctive relief.

Common types:

- Contract dispute
- Family law – custody, divorce, marriage and adoptions
- Fraud
- Landlord/tenant disputes
- Medical malpractice
- Personal injury
- Product liability



Case resolution:

Cases may be settled by a mutual agreement between the parties involved, or resolved in court by going to trial by judge or jury.