

---

# The Legal System

---

The legal system can be a confusing and intimidating process. It is our goal to make this process more understandable. The following information is to assist you in understanding the differences of each system.

In a CRIMINAL Case...

- the goal is to hold the defendant accountable to the State.
- the State prosecutes and controls the case.
- the victim is only a witness. Although the victim may have rights to participate in the criminal justice process, the victim does not have the right to direct the prosecution of the case or to veto the prosecutor's decisions.
- the State must prove that the perpetrator is guilty "beyond a reasonable doubt."
- the perpetrator is presumed innocent until proven guilty.
- if the perpetrator is found guilty in a criminal court, the perpetrator is subject to punishment, such as probation or jail. The victim will not obtain money unless the court orders the defendant to pay restitution for the victim's out-of-pocket expenses. The court cannot order restitution for non-economic damages.
- if the perpetrator is found not guilty, the State cannot initiate a second prosecution.

In a CIVIL lawsuit...

- the goal is to hold the defendant accountable to the victim.
- the victim initiates and controls the case.
- the victim is a party, and as such, is entitled to all important information relating to the case, and can make decisions about the direction of the case, such as a settlement of the claim.
- the victim must prove that it is "more likely than not," that the perpetrator is liable.
- if the perpetrator is found liable in a civil court, the perpetrator owes an obligation to the victim, such as money to compensate the victim for medical and therapy expenses, psychological damage, damage to family relationships and/or lost wages. A civil court can order the perpetrator to pay for non-economic damages, such as pain and suffering.
- the victim can sue the perpetrator in a civil court regardless of whether the perpetrator has been found guilty in a criminal prosecution.