

Criminal Justice

Civil Law

The Parties

Action brought by the State

- State (acts as victim – brings the suit)
- Perpetrator (acts as defendant)

Victims: witnesses (often excluded from the courtroom, plea agreements, and decisions to accept case for court)

Defendants: may lose freedom; has more protected rights

Victims' Rights include: Bill of Rights, Compensation, Victim Impact Statements

Action brought by the individual (private)

- Plaintiff (brings the suit)
- Defendant (against whom the suit is filed)

Victims: plaintiffs (have a greater say in how the case is handled)

Defendants: will not lose freedom; has fewer protected rights

Court System

District: General, JDR (family court), no jury

Circuit: felonies, misdemeanor appeals, right of trial by jury

Appellate: Court of Appeal or Supreme Court of VA

Can affirm in whole or part, reverse, or remand to lower court

District: If the suit is for less than \$10K, no jury

Circuit: sees most cases, because of amount sought. Right of trial by jury

Appeals:

- from state court to Supreme Court of VA
- from federal court to US Circuit Court of Appeals

Crimes

- **Misdemeanors:** Class 1-4
- **Felonies:** Class 1-6 or unclassified sexual assault

Types

- **Torts:** One citizen's complaint against another's
- Sexual Harassment
- VAWA Civil Rights action ex. Brzonkala case

Statute of Limitations

- **Misdemeanors:** one year
- **Felonies:** None

One year from end of criminal justice case

Purpose

To punish

To seek monetary damages – real and compensatory

Burden of Proof

Beyond a reasonable doubt (for the state)

Preponderance of evidence – 51% (for the plaintiff)

Discovery

Simple, may involve hearings

- Interrogatories
- Depositions
- Requests for Admissions
- Requests for Production of Documents

From George Mason University's Sexual Assault Services website www.sexualassaultservices.gmu.edu

For more information, call 703-993-4364

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