

The Supreme Court of Ohio

### Module 3: Criminal & Civil Procedures

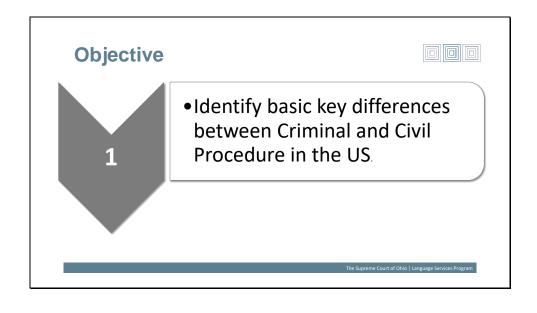
Lesson 1: Court Structure in the United States






- All the information provided in these short lessons is publicly available and provides a simplified view of Criminal and Civil Procedures in the State of Ohio for participants to gain a basic understanding.
- Remember: Procedures vary across jurisdictions so it is important to always check the steps in the process in the jurisdiction you are working.
- This information is NOT intended to be construed as legal advice.


# Lesson 1 Court Structure in the United States

Court Structure in the Un	ited States
Two Processes	
✓ Criminal Procedures	
✓ Civil Procedures	
	The Supreme Court of Ohio   Language Services Program

### **Definitions**

Merriam-Webster's Online Legal Dictionary (n.d.) defines "Criminal Procedures" as:

 the steps taken and methods used in bringing and conducting a criminal action; also: a course of study in the rules of procedure in criminal actions



# **Definitions (cont.)**

The Law Dictionary featuring Black's Law Dictionary Free Online Legal Dictionary 2nd Ed defines "criminal" as:

 That which pertains to or is connected with the law of crimes, or the administration of penal justice, or which relates to or has the character of crime.



# **Definitions (cont.)**

- Merriam-Webster's Online Legal Dictionary (n.d.) defines "Civil Procedures" as:
  - the steps taken and methods used in bringing and conducting a civil action; also: a course of study in the rules of procedure in civil actions



	the Partie		
Case Law	Civil Case	Criminal Case	Crosswalk
Identify the parties involved in the case, i.e. who brings the case to court?	Private parties: individual/s v individual/s.	The government (federal/state/local) v individual/s.*	Similarities The action/s involved in the case will be examined with its corresponding evidence and compared against the applicable law Differences Civil: Only private parties are involved in the case. Criminal: The Governmen is one of the parties involved in the case.


Case Law	Civil Case	Criminal Case	Crosswalk
What are the legal terms used to identify the parties.	Plaintiff: party who files the case/action.  Civil Defendant: party who responds.	Prosecution: the government who files the case/action.  Criminal Defendant: party who responds	Similarities General legal terminology applies to both case laws.  Differences Each type of case law has its own unique terminology.

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Types of C	ases		
Case Law	Civil Case	Criminal Case	Crosswalk
Describe the nature of the case.	Disputes between individuals regarding the legal duties and responsibilities they owe one another.	Violations of statutes (laws) that prohibit some type of activity because it offends society.	Similarities The matter is brought to court before a presiding official.  Differences Civil: Action is about the duties or responsibilities owed. Criminal: Action is a violation of an existing statute or law perceived as being a crime agains society.

Case Law	Civil Case	Criminal Case	Crosswalk
What is being sought in the case?	Some type of remedy for the loss sustained by the injured party.	A specific punishment such as jail time and/or monetary fines as a way to deter the behavior and preserve the peace	Similarities The parties are seeking resolution from the court and a presiding official. Differences Civil: Liability. Criminal: Guilt.

Case Law	Civil Case	Criminal Case	Crosswalk
What must the party bringing the case to court prove to win the case?	There needs to be sufficient grounds that support the parties' claim being presented.	The government/state has the burden of proof regarding the action (crime) committed by the accused party.	Similarities The parties involved in the matter have to support their case before the cour and a presiding official. Differences The standard of proof Civil: The preponderance of evidence. Criminal: Guilty beyond a reasonable doubt.


Case Law	Civil Case	Criminal Case	Crosswalk
Who decides the case?	In many instances, the presiding official can make decisions without going through a trial by jury.	Trial by jury & the right to an attorney unless said rights are waived by the accused party.	Similarities The US Constitution protection of individual rights in both cases. Differences Civil: Other a presiding official only and parties must pay for their representation. Criminal: Trail by jury unless waived. T accused party has a right to represente by an attorney regardless of ability to p


State v John Doe	Jane Doe v John Doe
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# **Lesson One Review**

**Key Points to Remember** 



- There are two bodies of law in the United States
- There are similarities and differences between Criminal Cases & Civil Case law and procedures



# Individual Activity • Complete the exercise: Identify the differences between Civil and Criminal Case Law. \*\*The Supreme Court of Othe | Language Services Program\*\*