

2.3: Appendix A- Civil and Criminal Case Differences

Criminal and Civil Case Differences

FAQ	Criminal	Civil
What law applies?	Penal Law, various statutes, Criminal Procedure Law	Various statutes, common law, Civil Practice Law and Rules
Who is the victim?	A person or entity that is intentionally or reckless wronged, harmed, injured, killed, or had their property rights violated by the defendant.	
Who are the parties and who brings the case to court?	The People of the State of New York and Defendant.	Plaintiff and Defendant.
Who is seeking what?		Beyond a reasonable doubt.

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		n v i n c i n g e v i d e n c e .
Who has the burden of proof?	The People of the State of New York.	The plaintiff.
What do we call the attorneys in these cases?	District Attorney/Prosecutor, or Assistant District Attorney (ADA).	Plaintiff's attorney and .defense attorney.
Who pays for the attorney?		
What is the number of jurors?	Six (6) for a misdemeanor and twelve (12) for a felony.	Six (6).
What verdict is required?	Verdict must be unanimous.	Verdict need not be unanimous.Only need 5 out of 6 to reach a verdict.

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