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by JJ

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Civil Versus Criminal Action

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Civil Versus Criminal Action

Question 1

The criminal justice system plays a critical role in ensuring justice is served among different parties. Therefore, before justice is served, the two parties must involve in a case and present evidence. The cases can thus be either criminal or civil cases. Paul & Narang (2017), stated that civil case comprises private disagreements between individuals or organizations. Thus, it usually starts when individuals or entity such as the government claims that another party has not performed the legal duty they are required to do. On the other hand, criminal case comprises an activity that is regarded as dangerous to the society and country as a whole. The country always indicates the civil case.

Civil and criminal cases have varying objectives and goals. Criminal cases focus on punishing the perpetrators of crime. For instance, when a person is found to have committed a crime, they will have to be sentenced either through imprisonment, financial penalty, or supervision in the community (Paul & Narang, 2017). The goal and objective of the civil case are to ensure the individuals harmed are compensated.

Varying outcomes and remedies can be used in civil and criminal cases. For instance, since a criminal case intends to provide justice to the victims, the criminals can be imprisoned or pay financial penalties as punishment. Similarly, civil case remedies are on compensating a person for the damages caused and it is usually financial. For example, when the court finds the offender did not respect the victim's rights, they will rule the victim to compensate for the damages caused.

The commencement of civil action starts with a person or a company referred to as an accuser appealing that another organization has failed to deliver legal roles. On the other hand, criminal action starts with a law enforcement official arrest report. The attorney then develops and decides on the crime to be charged. The main party in the criminal action is the government engaged in prosecuting the case on the part of the individuals. The party in civil action includes the organization or a person who sues the other party because of the identified acquiescence of an agreement. Therefore, two parties have involved the plaintiff and the defendant.

Question 2

The scenario presented is a fact that happened in 1992. Stella Liebeck, a seventy-nine-year-old woman, purchased a takeout coffee at McDonald's drive-thru (Nanduri, 2021). However, since the car was in the parking, Liebeck opened it to put cream and sugar, but accidentally, the mug dropped and spilled the hot coffee on her lap. This made Liebeck suffer from a third-degree burn that required several surgeries (Nanduri, 2021). The civil case of Liebeck against McDonald's for the damages such as loss of work and hospital bills, pain and suffering under the offence of negligence. Therefore, the jury realized that the perpetrators created coffee that was defective hence too hot for a person to drink and Liebeck was twenty percent fault for her burns.

Before this crime can be decided that the defendant is guilty, the jury must consider both *mens rea* and *actus reus*. Mallorquí-Ruscalleda (2020) claimed that *mens rea* is where the jury should consider the guilty mind while *actus reus* is the guilty event and usually denotes an overt criminal activity. Therefore, based on the scenario, *actus reus* can be seen when McDonald sold coffee that was tremendously hot to an old individual. *Mens rea* is also present since

McDonald's did not want to burn Stella, but the coffee was too hot for a person to consume. Thus, the company was negligent with their produce.

Crimes occur at a different levels. For instance, there are those crimes that violate society's perception of ethics which are mala in se (Dimock, 2016). For example, they include rape and theft. However, mala prohibition is regarded as wrong because they interrupt the law hence not ethically wrong. This crime is mala prohibit because McDonald's was selling coffee that they were not aware of was risky to the consumer unless handled carelessly.

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