

Outline

- Double jeopardy
- Standard of proof in a criminal and civil case
- Punishment and repercussions for a criminal case defendant
- Remedies and repercussions of civil case
- References

Double jeopardy

Rudstein (2004) affirms that, double jeopardy is a rule in the fifth amendments of the United States constitution, stating that no citizen shall be prosecuted or convicted twice for the same offence. It is evident that this law protects the citizens against oppression by the state, whereby it is forbidden to continue putting the citizen on trial until they are finally convicted. This law is ancient as it dates back to the times of the ancient Greeks. As a matter of fact, it does not violate the double jeopardy that Lucy is going to trial in relation to the deaths of her ex-husband and Celia. This is because the law of double jeopardy only applies to the criminal cases. As evident, at first criminal charges the first jury acquitted her of the charges. In addition, these cases had been filed in court by the state. On the other hand, the case that followed was a civil case sponsored by the families of Larry and Celia. Thus, it was a different type of case i.e. civil case where and the concept double jeopardy do not apply (Rudstein, 2004).

Standard of proof in a criminal and civil case

The standard of proof in a criminal case is the level of evidence which a prosecuting attorney must hand in during a trial to enable him triumph in the case. It is noteworthy that the standard of proof in a criminal case includes the concept of beyond a reasonable doubt. Thus, this concept implies that for a defendant to be convicted of a crime he is being accused, the prosecutor must provide necessary, convincing and relevant evidence. This evidence must prove his case to the point that the jury has no reasonable doubts in their mind that the accused has truly committed the offence. In the case where Lucy is charged with killing her ex-husband together with his wife, the jury acquitted her of the charges because the prosecutor might have failed to convince them beyond a reasonable doubt that Lucy was truly the murderer. Furthermore, the evidence presented in court might not have been convincing, as a result the jury found Lucy innocent of the crime against her. Hence, the prosecutor failed to prove his case before the jury (Keane, 2008).

According to Keane, (2008), the standard of proof in a civil case means the amount of proof the prosecutor executes during the trial that makes the jury convinced. It is a fact that the prosecutor must present enough evidence in court that will increase the chances for the defendant to be convicted by the jury. There are various forms of the standard of proofs in civil cases. One of the standards of proof is the clear and convincing evidence, which is evidence that designates that the thing to be attested is perhaps certain. Thus, in the case where Lucy is accused of murdering her former husband together with his wife the jury in the second case which was a criminal case must have been convinced by the evidence the prosecution presented and concluded that chances of Lucy's involvement in the murder of her former husband and his wife were probable. The other standard of proof in civil case is the preponderance of evidence, whereby the greater intensity of the evidence possesses the most convincing force. As a result, the jury will determine the case by predisposing a fair and neutral mind to one side of the subject than the other. Thus, in Lucy's case,

the prosecutor might have presented evidence with a lot of credence that made the jury find Lucy guilty of murdering her ex-husband and his wife (Keane, 2008).

Punishment and repercussions for a criminal case defendant

Levinson (2002) highlights that, punishment and repercussions on the defendant for a criminal case is determined by various factors, which include the type of crime committed, the judge presiding over the case and most importantly, the location of the trial. It is evident that, in some situations the judge has no significant impact on a case as he follows the sentencing guide lines laid down by the federal government. On the other hand, the judge might have all the authority to decide on what sentence to give the offenders. In most cases, the judges do give an accurate and fair judgment after considering very many underlying facts. There are various punishments and repercussions that come with the criminal conviction. Thus, such punishments include being sentenced to jail or another correctional facility, fines imposed on the defendant. Furthermore, a court might deliver a sentence that involves fines, reimbursement of victims and the probation and community service. In the criminal case against Lucy, after she was acquitted of the charges by the jury the judge might have declared her not guilty. Thus, she must have been freed, and all charges against her dropped (Levinson, 2002).

Remedies and repercussions of civil case

Finn, (1994) insists that, if a person loss in a civil case, a number of remedies and repercussions might occur. For instance, an individual might be awarded monetary compensation known as damages by the court to pay for the individual's injury brought about by the unlawful demeanor of another party. Additionally, damages are meant to measure the financial value of the harm a claimant has suffered as a result of the accused action. As a matter of fact, damages are discernible from expenses, which are the costs incurred by sponsoring a lawsuit, as a result, the court might order the losing party to forfeit. It is noteworthy that damages are not part of the verdict given out as the final decision by the jury. The intention of damages is to reinstate an offended party to the situation the party was in previous to being debilitated. As a result, the damages are commonly looked upon as corrective rather than precautionary or disciplinary. However, disciplinary damages may be rewarded for certain types of unlawful demeanor. It is noteworthy that before the complainant is awarded damages by the court, the injury or loss incurred must be recognized by the law (Finn, 1994).

Furthermore, the individual must have in reality suffered the injury and loss he is claiming. In law three main categories of damages have been identified these include compensatory, which are anticipated to reinstate what a claimant has lost as a result of the accused unlawful demeanor. The other type of damages is the nominal, which consist of a small sum awarded to a claimant who has experienced no significant loss or grievance but has all the same experienced an incursion of rights. The last type of damages is the punitive, which are granted not to reimburse a claimant for grievance undergone but to fine an accused of predominant egregious, unlawful conduct. It is noteworthy that in specific situations, the types of damages used include liquidated and treble. Some of the repercussions involve the settlement of the attorney's fees. Thus, according to the law the loser in any civil case must pay their respective attorneys' for the cost of representing them during the trial. This comes as an addition to the damages one might have been charged by the court (Finn, 1994). In the case where Lucy has been accused of killing her former husband and his wife it is noted that in

the civil case filed by the deceased family members the jury found her guilty. Thus, the family might have filed for damages which Lucy was to part with.

References

Finn, P. (1994). *Using Civil Remedies for Criminal Behavior: Rationale, Case Studies, & Constitutional Issues*. Washington DC. DIANE Publishing.

Keane, A. (2008). *The Modern Law of Evidence*. New York, NY: Oxford University Press.

Levinson, D. (2002). *Encyclopedia of Crime and Punishment, Volumes 1-4*. California, CA: SAGE.

Rudstein, D. (2004). *Double jeopardy: a reference guide to the United States Constitution*.

Connecticut, CT: Greenwood Publishing Group.