

# liabilities - crime

## Criminal and civil

- difficult to distinguish between a criminal and a civil wrong.
- Some conduct may amount to a civil wrong.
- example - a intentionally hits b, a tort which is a crime as well as a civil wrong.

- can be distinguished by looking at the nature of the conduct.
- for instance - a crime may be distinguished from a civil wrong by looking at the nature of the conduct.

## moral wrongfulness

- many civil wrongs are also morally wrong.
- example - an employee who has been exposed to asbestos and has suffered, this is morally wrong.
- morals cannot be used to distinguish between a crime and a civil wrong.

## crimes may be distinguished from civil wrongs by worthiness of culpability

## damage to the public

- characteristic put forward for distinguishing between a crime and a civil wrong is damage to the public.
- if conduct causes damage to the public, it is a crime.
- if it causes damage to an individual, it is a civil wrong.

# proceedings

## CRIMINAL

- can easily be distinguished because criminal proceedings are brought by the state and follow different rules.
- conduct cannot be distinguished according to its civil nature.
- only proceedings that follow criminal law can be distinguished from civil proceedings.
- a criminal trial is brought by the state, prosecutes on behalf of the state.

## VICTIMS

- victims of crimes play a minor role in criminal proceedings.
- merely witnesses to the crime.
- after a finding of guilt, victims may sue the defendant in their own capacity for damages.
- the crime affecting them impacts at the sentencing stage.

- a civil trial is most often brought by the claimant.
- known as the claimant.
- sues the defendant in their own capacity for damages.
- individual, civil proceedings focus on the individual.

## CRIMINAL TRIAL

- aim of criminal trial is to punish the defendant.

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