

# **Criminal Law: What You Need To Know About Criminal Cases**

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Criminal cases involving contracts are common. Auto accidents are a large cause of personal injury (petty injury) lawsuits, yet another common type of criminal case. If an automobile accident results in a personal injury due to negligence or reckless behavior, it could lead to an automobile accident lawsuit. Likewise, if a person has been injured due to such negligence or recklessness in an automobile accident, a forgery lawsuit may be brought against the driver of the automobile.

Criminal cases involve acts that are taken seriously by the legal system. Criminal acts are defined by legislation and the taking of action in response to such legislation. Criminal cases are civil cases that are brought by the victims of criminal activity. For example, a person who has been raped has a very different civil case than a person who has been robbed. A person who has been falsely accused of wrongdoing may have a different civil case than a person who is innocent of any wrongdoing at all.

Criminal defendants have responsibilities that include facing a criminal case. First, defendants must face criminal charges. A criminal charge is a formal accusation that a person committed a crime, either federal or state-wide. Second, a defendant is guilty beyond a reasonable doubt when it is determined that the defendant committed a given crime. Whether a defendant is guilty of one crime or a series of crimes, he/she must face the consequences of his/her conduct through the criminal justice system.

A defendant may be guilty of one crime, yet innocent of another crime. For instance, a person who has been falsely accused of murder may still be found guilty of murder if the evidence against him/her is insufficient to prove the crime. In these situations, a jury must decide whether or not the crime is "real." In some circumstances, a defendant is guilty of crimes even though he/she did not commit them.

Criminal defense attorneys represent the criminal defendants in criminal cases and civil cases that involve accusations of crime. Criminal defense attorneys represent clients charged with driving under the influence (DUI), conspiracy to commit drug trafficking, vehicular manslaughter, rape, robbery, arson, malicious mischief, and several other crimes. Criminal defense attorneys work to protect their clients from jail time, fines, and/or jail sentences. The first responsibility of criminal defense lawyers is to assess the case and advise their clients on legal counsel and the legal process. After the initial consultation, a lawyer may move to suppress the evidence or argue the constitutionality of a statute, or both.

A criminal case will proceed to a jury trial, after the prosecution may appeal the district attorney's choice of charges or the judge's decision. The prosecution may appeal an arrest warrant, search warrant, arrest records, or immunity from damages. The state may also appeal a verdict or order suppressing evidence or assessing the penalty. If a verdict is upheld, the prosecutor may appeal that decision to the appeals court. In most cases, a

defendant is entitled to a final jury trial. However, in some cases a criminal case may be resolved by a plea bargain.

In a criminal case in which a defendant does not have a criminal record, the prosecuting attorney will be able to use persuasion on the behalf of the client to bring about a conviction. The criminal lawyer will try to convince the jury or judge that the defendant should be given the chance to present the evidence against the target of the criminal case. If the defendant fails to do so, the criminal lawyer may advise the client to take a plea bargain. A plea bargain can result in the client pleading guilty to the charges rather than all charges or penalties, or it may result in the granting of a conditional guilty plea in which the defendant is advised that if they accept the plea they will be placed on probation rather than facing the charges.

One of the most important factors in determining whether a defendant is guilty or innocent is the jury's understanding of the legal process. The criminal justice system is based on the rules of evidence and procedure. Most juries in criminal cases are given a specific amount of time to determine the facts. In most civil cases, a trial must occur before a jury can decide the case's facts. Because of this importance of the legal process, criminal law deals with more complex issues than does civil law. Criminal cases require more extensive preparation and instruction for the jury.

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