

Criminal and Civil Procedures Compared

Case Factors	Criminal/Public	Civil/Private
Parties Involved	Crown (govt) v. Defendant (accused)	Person v. Person <u>Plaintiff v.</u> Defendant
Grounds / Reason	Determine innocence or guilt	Resolve a dispute
Purpose of Action	Protect ppl / punish crimes	\$\$\$ compensation
Onus of Proof	Crown	Plaintiff
Burden of Proof	Beyond a reasonable doubt	Balance of probabilities
Result of Action	Verdict of guilty or not guilty	Liable or not liable
Action taken if Defendant is Guilty or Liable	sentenced	must pay \$

The appellant, Mrs. Hyam, had been having a relationship with a Mr. Jones. Mr. Jones then took up with another woman, Mrs. Booth, and they were soon engaged to be married. On hearing this news, the appellant drove to Mrs. Booth's house at 2.00am and poured gasoline through the letter box and ignited it with matches and newspaper. She then drove home and did not alert anyone of the incident. Mrs. Booth and her young son managed to escape the fire but her two daughters were killed.

Crime(s)?	Tort(s)?
<ul style="list-style-type: none"> - arson - 2nd degree murder (x 2) 	<ul style="list-style-type: none"> - trespassing - damage to property - pain and suffering (compensation for loss)

Danny likes to get drunk on the weekends. He often gets extremely inebriated and begins harassing people. It has gotten to the point that people try to avoid inviting him to parties. On Saturday December 1st, Danny showed up at a party that he heard about but was not invited to. At the party he ran into Marnie, his ex-girlfriend. As Marnie was leaving the bathroom, Danny grabbed her and pulled her into the room and locked the door. He told her he missed her and wanted to get back together. He grabbed her, pulled her close, and began kissing her neck and grabbing her butt and chest. Marnie managed to break free from without physical injuries or further touching. She returned to the party and did not say anything to anyone about the incident.

Crime(s)?	Tort(s)?
<ul style="list-style-type: none"> - sexual assault - underage drinking - break & enter - public intoxication 	<ul style="list-style-type: none"> - trespassing

Ms. Hunt was an employee of Sutton Group Incentive Realty Inc. (hereinafter "Sutton"). In December of 1994, Ms. Hunt attended an office party held at her employer's place of business during working hours. While attending the party, Ms. Hunt would regularly answer the telephone and she was expected to clean up after the guests had gone home. During the party, Ms. Hunt also consumed a significant amount of alcohol from the open, unsupervised bar supplied by her employer; the Trial Judge found that when she left the party later that evening, Ms. Hunt's blood alcohol level was more than twice the legal limit. After leaving the party, Ms. Hunt, along with five other individuals from the party, went to a local Pub. During their one and one-half hours stay at the Pub, the Trial Judge concluded Ms. Hunt consumed an additional two drinks. While driving home from Pub, Ms. Hunt's car slid into the path of oncoming traffic. She suffered severe injuries. Her damages were assessed at one and a quarter million dollars (1.25 million dollars). Ms. Hunt sued both her employer and the Pub for negligence. The trial judge established that her employer had a duty of care to its employees. In establishing this duty of care, the Trial Judge referred to the decision of John v. Flynn. In John v. Flynn, Mr. Flynn's employer was aware of a chronic problem with a small group of employees who consumed alcohol in cars in the company parking lot during work breaks. Moreover, the employer had actual knowledge of Mr. Flynn's membership in this group and his longstanding alcoholism.

