

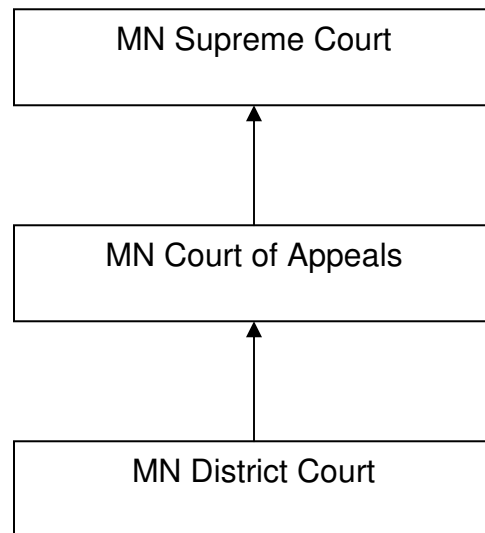
## Section II: The Criminal and Civil Justice Systems

A victim of sexual violence has a number of options in the legal system to address the harm s/he has suffered. There are both a state and federal court system in Minnesota, and within those court systems, both criminal and civil systems.

Both the federal and Minnesota state courts systems are organized into three tiers, completely separate from each other and differing in a number of important ways. Most significantly, federal courts hear cases that involve the unique interests of the federal government as well as disputes affecting the citizens of different states. In general, federal courts hear cases that involve a federal criminal law (such as crimes on some Indian Reservations), banking laws, or a lawsuit between citizens of different states that involve more than \$75,000. For further discussion on sexual assault on Indian Reservations, see Section IV. For most victims of sexual assault, the court system which will address their criminal or civil issues is the Minnesota State Court System.

### The Minnesota Court System

As in most states, the Minnesota state court system is organized into three tiers. The first is the **District Court** level, which has a seat in each of Minnesota's 87 counties. Minnesota's District Courts are divided into 10 Judicial Districts for administrative purposes. All types of civil and criminal cases begin in these district or "trial" courts. As a result, district court judges hear a wide variety of cases, from criminal matters when a defendant is charged with a crime, to family law, civil lawsuits for damages, harassment restraining orders, or disputes between a landlord and tenant.



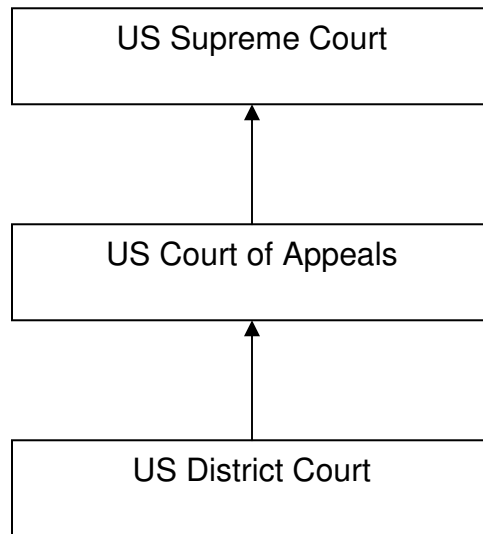
The next tier in the Minnesota court system is the **Minnesota Court of Appeals**. The Minnesota Court of Appeals consists of 16 judges who hear appeals from the District Court. Parties can file an appeal from the District Court to the Court of Appeals, which sits in St Paul. The Court of Appeals will review the trial court record to make a decision – witnesses are not called to testify here. Appeals can take six months or more.

Minnesota’s highest state court is the **Minnesota Supreme Court**, which consists of seven judges, who are called Justices. The Minnesota Supreme Court hears appeals from the Court of Appeals, and has discretion whether or not to review Court of Appeals decisions. Again, it reviews the record made in the trial court below and does not hear from witnesses. The Supreme Court also sits in St Paul, and the process will take another six months or more from the time the appeal is made.

The Federal Court System

The federal court system is similarly organized into three tiers. As in the state system, the **district level** is where most civil and criminal cases begin. In Minnesota, federal district courts are located in Minneapolis, St. Paul, and Duluth. Similar to the Minnesota State Court system, the district court is the trial court level where cases begin.

Appeals from federal district courts are heard by one of the 12 **U.S. Courts of Appeals**. The Eighth Circuit Court of Appeals in St. Paul reviews cases from the U.S. District Court for the District of Minnesota.



Finally, the **Supreme Court of the United States** hears appeals from the federal courts of appeals *and* from state supreme courts. The U.S. Supreme Court very carefully selects the cases that it will review, which means that it is rare for any case to be appealed to that level. In reality, most of the civil or criminal cases in Minnesota are “final” once heard by our Minnesota Supreme Court.

Court Systems Compared	
State Court	Federal Court

<ul style="list-style-type: none"><li>❖ Criminal charges in Minnesota city or county</li><li>❖ Civil lawsuits for money damages between two Minnesota residents</li><li>❖ Harassment restraining orders or orders for protection</li><li>❖ Juvenile court</li></ul>	<ul style="list-style-type: none"><li>❖ Criminal charges on federal land (often military or Indian land) &amp; bank crimes</li><li>❖ Civil lawsuits for more than \$75,000 between residents of two different states</li><li>❖ Crimes involving crossing state lines</li></ul>
---	--

## The Criminal and Civil Justice Systems

**Criminal cases** are brought against individuals accused of committing crimes and are always initiated by the state. The charge is made and prosecuted by the state because, while there may be one particular victim most impacted, crimes are regarded as acts against all of society. The accused person (defendant) is prosecuted on behalf of the government (plaintiff) by the prosecuting attorney. In Minnesota, the prosecutor is a city or county attorney who represents the interests of the state and society in resolving a case.



### *In Brief*

The victim involved in a crime is *not* the person who brings a criminal case against a defendant – the state is.

Thus, the individual victim involved is *not* the party who brings a criminal case against the defendant – the state is.

The main purpose of a criminal case is to address the public's interest in holding criminal defendants accountable, rehabilitate, deter future criminal conduct and hopefully provide public safety.

**Civil suits** are disputes between private citizens, corporations, or sometimes government organizations. In such cases, a party who feels wronged in some way (plaintiff) initiates the lawsuit. The opposing party (defendant) is accused by the plaintiff of causing some harm which resulted in monetary loss. Civil cases often involve property or personal rights, such as actions arising from auto accidents, contract disputes, divorces, and wills. Civil cases also include the harassment restraining orders available to victims of sexual assault which require the offender not to contact or harass the victim/survivor.



### *In Brief*

The state's burden of proof in a criminal case is "**proof beyond a reasonable doubt**". A plaintiff's burden of proof in a civil case is "**preponderance of the evidence**," or "more likely than not."

In contrast to criminal cases, a losing civil defendant is never incarcerated or punished. Instead, the defendant is usually ordered to pay money damages to the plaintiff in order to reimburse the plaintiff for the losses caused by the defendant's behavior, or perhaps to simply stay away from the petitioner.

A significant difference between civil and criminal cases is the applicable burden of proof. In criminal cases, the defendant is presumed innocent until and unless the prosecution meets its burden of proving the defendant's guilt "beyond a reasonable doubt."

This is the highest burden of proof required in the law, and helps to ensure a fair trial. By contrast, the burden of proof which must be satisfied in a civil case is generally “a preponderance of the evidence.” This means that the plaintiff will prevail by presenting evidence that is more likely than not to be true – it needs to barely tip the scales.

See Section IV for a further discussion of lawsuits for civil damages.

### Criminal Case vs. Civil Case Differences & Similarities

Type of Case	Criminal Charges Against Offender	Civil Suit Against Offender for Damages
<b>Purpose</b>	<b>Focus on public:</b> <ul style="list-style-type: none"> <li>• Seek Justice</li> <li>• Public Good</li> <li>• Hold Offender Accountable</li> <li>• Public Safety</li> <li>• Deter Offender and Others</li> </ul>	<b>Focus on <i>this</i> victim:</b> <ul style="list-style-type: none"> <li>• Seek Damages - \$\$ for Victim</li> <li>• Make the Victim Whole – Repay for Losses Suffered</li> <li>• Hold Offender Accountable</li> </ul>
<b>Who Proceeds</b>	Police investigate, prosecutor charges on behalf of the State of Minnesota – crime against the people of the state  Victim is not a “party”	Victim’s attorney investigates, victim (through attorney) files complaint on behalf of herself – state not involved  Victim is a “party”
<b>Burden of Proof</b>	Highest Burden in the Law: Proof Beyond a Reasonable Doubt	Lower Burden in the Law: Proof by a Preponderance of Evidence
<b>Outcome Possibilities</b>	<ul style="list-style-type: none"> <li>• Defendant in jail or prison</li> <li>• Defendant on probation with treatment</li> <li>• Defendant registered as offender, monitored</li> <li>• Victim vindicated</li> </ul>	<ul style="list-style-type: none"> <li>• Defendant or insurance pay victim \$\$</li> <li>• Victim’s counseling, medical, or other needs paid for</li> <li>• Victim vindicated</li> </ul>
<b>Barriers to Success</b>	<ul style="list-style-type: none"> <li>• Police, prosecutor, or judge mishandle/misunderstand</li> <li>• Jury fails to see proof BRD</li> <li>• Constitutional protections for defendant high – bill of rights applies</li> <li>• Statute of Limitations (especially before mid-90’s)</li> </ul>	<ul style="list-style-type: none"> <li>• Attorneys only get paid if victim collects – if defendant has no \$\$, or victim too little damages – hard to find attorney to take case</li> <li>• Defendants’ insurance rarely covers rape</li> <li>• Jury fails to see proof by a preponderance</li> <li>• Statute of Limitations – especially since child abuse victim may take years to seek legal help</li> </ul>

## The Minnesota Juvenile Justice System



### Statute References:

Minn. Stat. §260B.125 – Adult Certification;

Minn. Stat. §260B.130 – Extended Jurisdiction Juvenile Prosecution

Like most states, Minnesota has a separate court system for juvenile offenders (the age of the *defendant*, not the victim, determines whether juvenile court is used). Minors go to juvenile court if they are under the age of eighteen and they commit acts that would be crimes if they were adults.

### ❖ Differences from Adult Court

The juvenile justice system can differ in significant ways from the adult court system. First of all, the juvenile system's primary focus is the best interests of the juvenile, rather than punishment as with an adult. Thus, the court strives to rehabilitate and assist the juvenile to avoid future misconduct as opposed to solely punishing the juvenile.

Towards this end, a juvenile who commits a criminal act is not considered to be "guilty" of a criminal offense. Rather, the juvenile is "adjudicated delinquent" if proof beyond a reasonable doubt has been established. Once adjudication occurs, the court must provide for services or other sanctions which are necessary to rehabilitate the child. The court has discretion to order a diverse range of services and sanctions including: counseling, specialized mental health treatment, probation, payment of a fine or restitution, transfer of legal custody to a social services agency, or commitment to a juvenile facility.



### *In Brief*

Juveniles aged 16 and 17 charged with a felony appear in open court.

The rules and procedures of juvenile court are also different than those applicable in the adult criminal court system. First of all, cases in juvenile court are usually decided by a judge and not a jury. Secondly, the juvenile court system works to protect the privacy of juveniles accused of delinquency by normally keeping the process closed to the general public except for allowing those with a direct interest (including the victim) into the courtroom. However, a juvenile aged 16 or 17, charged with a felony appears in open court, not closed.

Finally, while there are important differences in procedure, juveniles are afforded the same constitutional rights as adults who are accused of committing crimes. Thus, for example, juveniles have the right to be represented by counsel throughout this process, the right to remain silent, and to demand a trial.

Court Systems Compared	
Adult Court	Juvenile Court
<ul style="list-style-type: none"> <li>❖ Punishment or rehabilitation for crimes committed</li> <li>❖ "Guilty" Verdict</li> <li>❖ Can be adjudicated by either a judge or a jury</li> </ul>	<ul style="list-style-type: none"> <li>❖ Best interest of the child</li> <li>❖ "Adjudicated Delinquent" Verdict</li> <li>❖ Adjudicated by a judge</li> </ul>

❖ Juveniles under Adult Court Jurisdiction

While children under the age of eighteen are generally subject to the juvenile court's jurisdiction, they may be tried as adults in certain circumstances. In order to try a child as an adult, the court holds a separate certification hearing to determine if it is appropriate to treat the case as though an adult were charged.

It is presumed that the child will be tried as an adult if three conditions are met:

1. The child was sixteen or seventeen years old at the time of the offense;
2. The child is alleged to have committed an offense which would result in a presumptive commitment to prison under the sentencing guidelines and statutes or involved a firearm; **and**
3. Probable cause that the juvenile committed the act has been established. This presumption may be overcome if the juvenile can demonstrate by clear and convincing evidence that proceeding in juvenile court would serve public safety.

If a child is certified as an adult, the right to jury trial becomes available. On the other hand, if the above 3 circumstances do not exist, the law presumes that the juvenile will be tried in juvenile court. In order to charge the juvenile as an adult, the prosecutor must demonstrate by clear and convincing evidence that proceeding in juvenile court does not serve public safety.

❖ Extended Juvenile Jurisdiction - EJJ

A combination of adult and juvenile court can be used for some serious offenses committed by juveniles under the age of 18. This is called Extended Juvenile Jurisdiction (EJJ). Similar to the certification process, the court will hold a hearing and determine whether it is appropriate to grant EJJ status to the prosecution of the offense. If a juvenile is "EJJ'd," the defendant has the right to a jury trial because an adult sentence is possible.

If after trial or guilty plea, the defendant is found guilty of the offense, the court will impose a juvenile sentence *and* will "stay" an adult sentence conditioned upon the defendant following the conditions of the juvenile sentence. (To "stay" a sentence is to keep it as an option pending certain conditions being met). In other words, the juvenile has the opportunity to be treated as a juvenile so long as s/he meets the conditions of the juvenile sentence. This sentence can be stayed up to the date the defendant turns 21.



*In Brief*

A juvenile court has jurisdiction over a juvenile until they turn 18. However, if the juvenile is "EJJ'd", the court has jurisdiction until the juvenile turns 21.

If the defendant successfully completes the terms of probation, the offense will remain a juvenile adjudication only. If the defendant has violated the terms of his/her juvenile sentence, a revocation hearing will be held similar to a probation violation hearing for adults, and the adult sentence can be imposed. At that point, the juvenile court jurisdiction ends and the defendant is treated like an adult, including being sent to prison if found appropriate by the court.

### Flow Chart Of The Juvenile Justice System

