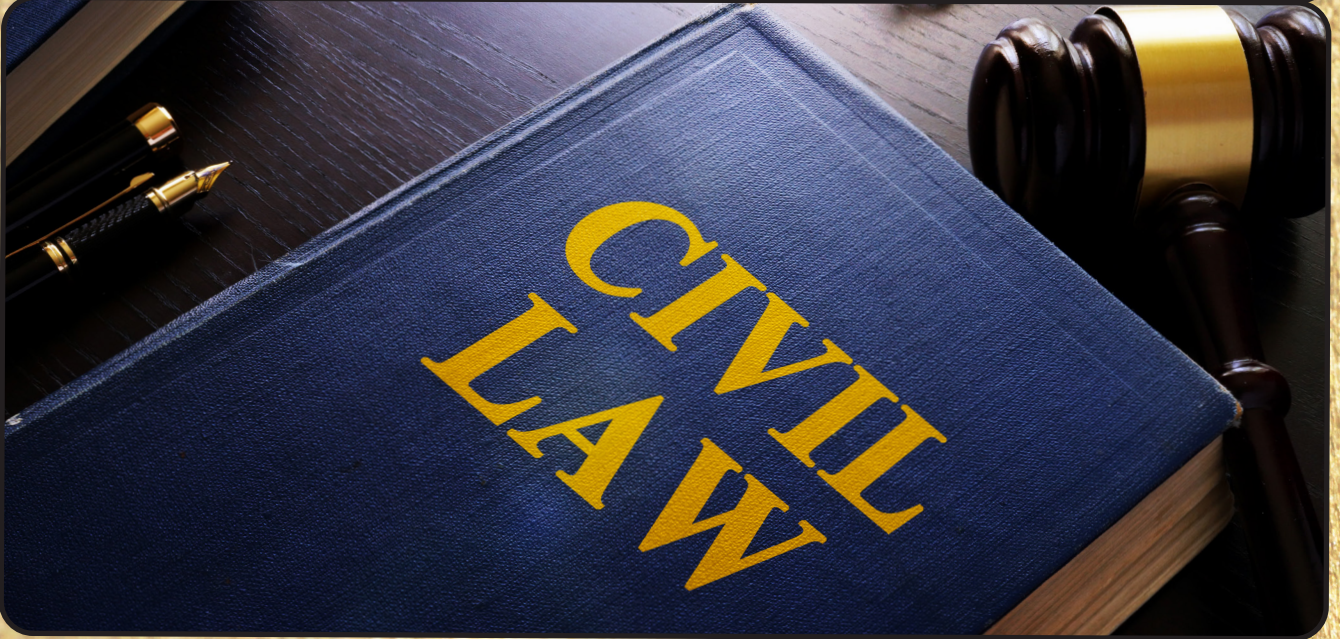
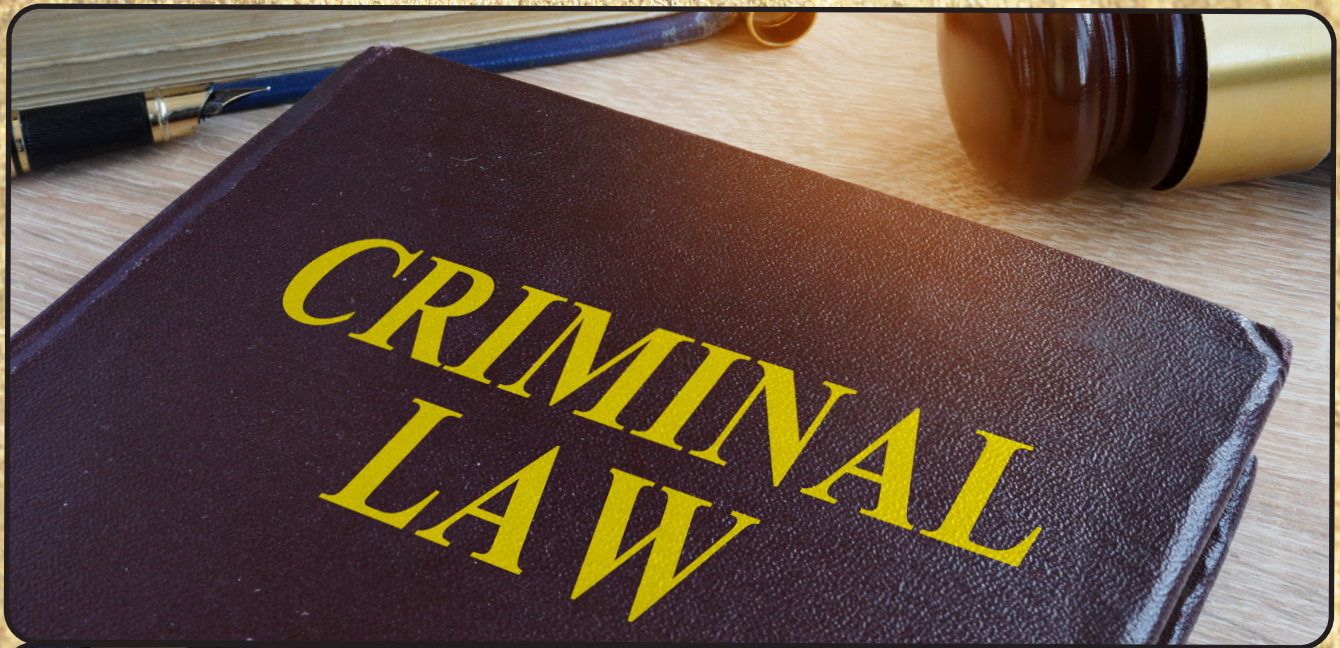


CRIMINAL VS CIVIL



Teacher Traffic Safety Academy 2024

MUNICIPAL TRAFFIC SAFETY
INITIATIVES

Criminal vs. Civil Lesson Plan

Learning Objective: Students will...

1. Compare and contrast the two types of law: criminal and civil.
2. Explore the structure of the United States court system; and
3. Analyze traffic safety scenarios.

TEKS:

§130.332: Principles of Law, Public Safety, Corrections, and Security: 3B, 8B-C, 10A-D

§130.336: Law Enforcement I: 6D-E, 8D

§130.337: Law Enforcement II: 2A, 4A-F,

§130.338: Criminal Investigation: 8B & 8H, 17A & C

§130.340: Court Systems and Practices: 2C-I, 3A-D, 4A-C, 5B-C & E-G, 6A-G

Materials Needed: *Civil v. Criminal Notes* handout, *Traffic Safety Scenario Cards*, *Traffic Safety Case Study* handout, *Civil v. Criminal* Google Slide Presentation

Vocabulary: administrative regulations, appellate court, Bill of Rights, bifurcated system, burden of proof, civil law, Constitution, criminal law, defendant, defense, ex post facto, felony, jurisdiction, jurisprudence, misdemeanor, negligence, ordinances, plaintiff, prosecution, statutes, trial court

Estimated Time:

40-50 minutes

Engaging Focus:

Ask students to consider the discussion question: *What is the purpose of the courts?* Give students time to ponder and discuss in pairs, small groups, or as a whole class.

After students consider the purpose of the courts, lead a class discussion attempting to narrow students' thinking to consider these answers:

- To deal with disputes or disagreements
- To help find a remedy to a conflict between two or more parties
- To help us interpret laws and tell us what they mean
- To maintain public safety
- To hold people accountable if they break the law

Distribute copies of *Criminal v. Civil Law Notes* handout and encourage students to take notes as they move through the information.

Teaching Strategy:

1. SLIDES 2-3: Show the Crash Course video, “Legal System Basics,” <https://youtu.be/mXw-hEB263k> (8:13 min.) Have students write down the basic functions of the courts as mentioned in the video
 - a. To settle disputes
 - b. Interpret laws
 - c. Create expectations for future actions
2. SLIDES 4-6: Walk students through the structure of federal courts. Make certain they know the difference between trial courts and appellate courts
 - a. US District Courts
 - b. US Circuit Courts of Appeal
 - c. US Supreme Court
3. SLIDES 7-9: Allow students a chance to discuss potential careers associated with the law. Use the *Important Players in the Courtroom* graphic to assist with conversation.
4. SLIDE 10: Have students write down the definition of civil law and criminal law. They will need this to complete the *Traffic Safety Scenario* activity.
5. SLIDE 11: Pass out the Traffic Safety Scenario cards. Place students into small groups to sort them into *criminal cases*, *civil cases*, and *I don't know* piles. As students work through the scenarios, know that most are placed in both. For this reason, walk around while they work and field questions as needed. It is okay if one group places a scenario in a different location than another.
6. SLIDES 12-15: After students have completed their initial sort, ask them to set aside scenarios they placed in the civil pile. Give them the definition of a felony and misdemeanor. Have them sort their criminal pile into those two categories. Again, it's okay if they differ. The students' interpretation of the information and their depth of knowledge on the scenarios will impact their pile. After students have had a chance to sort their piles, hold a whole group discussion on the scenarios. For example, what elements could be changed in the scenarios to place them in a different column? What questions do they still have regarding the information offered?
7. SLIDE 16-19: Have students take notes on the similarities and differences with the terminology of criminal and civil law.
8. SLIDES 20-21: Use these slides for students to continue adding to their notes about where laws come from.
9. SLIDE 22: Pass out the *Traffic Safety Case Study* handout for students to complete. Discuss their thoughts to conclude the lesson or collect for a grade or exit ticket.

Extension:

Use the information from the *Traffic Safety Case Study* to conduct a mock trial in your classroom. Allow students to create the witnesses and elements of the case. You could use the *State of Texas v. Casey Bryant* mock trial, or another of your favorites.

Criminal vs. Civil Court

Learning Target: I will compare and contrast the elements of criminal and civil court.



What is the purpose of the courts?

Turn to your neighbor and discuss



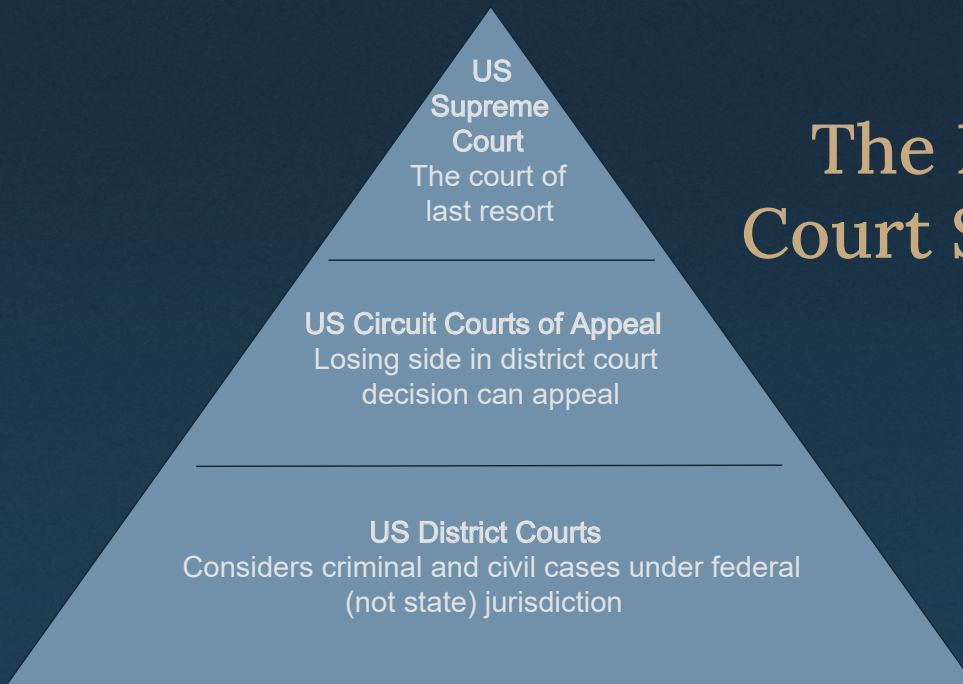


Basic Functions of the Courts

1. Settle Disputes
2. Interpret Laws
3. Create expectations for future actions



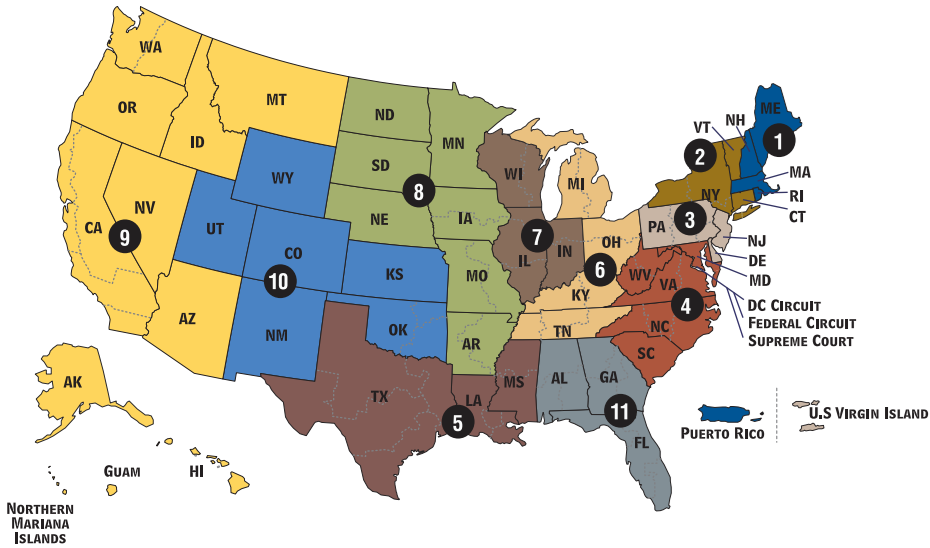
The Federal Court Structure





Geographic Boundaries

of United States Courts of Appeals and United States District Courts



Trial Court vs. Appellate Court



Trial Courts hear witnesses, explore evidence, and use objections to limit what is introduced in court



Trial Court vs. Appellate Court



Appellate Courts do not hear witnesses or “re-try” the case...

Instead, lawyers argue an error of law before a judge or panel of judges, who rule on the specific appeal made in a case.



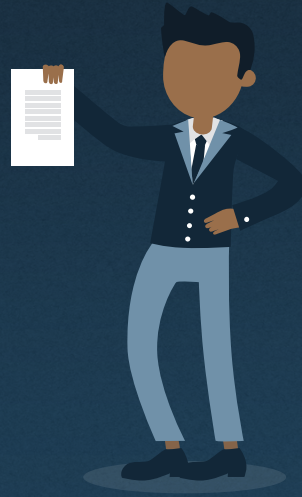
What degree do I need to practice law if this interests me?





Jurisprudence is the study of law and legal philosophy

A post-graduate law school degree is called a *Juris Doctorate* (or a JD)



Important players in the courtroom.



But how do I know if I'm dealing with a CIVIL issue, or a CRIMINAL issue?



Civil Laws

regulate relations between people or groups of people (think LAWSUITS)



Criminal Laws

regulate conduct and duties owed to society. They are divided into felonies & misdemeanors; the government brings the case.

Civil v. Criminal Scenarios	
Lauren Order is in a rush to get a friend's party. She takes a turn too quickly causing her to lose control of her car, and crashes into her neighbor's tree which happened to be a girl from her grandfather 30 years prior. The crash destroys both Lauren's car and the beloved tree.	Frank Sahvit is a diligent construction worker with a trailer filled with numerous tools. Upon entering the ramp on the highway, his tools, which have not been properly stored, fly out of his car causing a major crash.
Justin Time is a college student who is home for the weekend visiting family. A friend points out to him that his tires are bald and he should get new ones. Since Justin is a poor, struggling student, he decides to ignore the suggestion and heads back to campus. On the way he is set to return to campus, it is raining heavily, causing his car to hydroplane and spinning into another car killing the person inside.	While driving to work, Luke Atney sees a person on the side of the road with a flat tire. He pulls over to help change the tire by putting on a spare. As the person drives away, one of the lugnuts falls off causing the car to swerve and hit a tree.
Rita Booke has an AP exam she is very nervous about. On her way to school to take the test, she spends her time reading her notes in hopes of digging for any last minute details for her test while driving. She is pulled over with notes in her hand before making it to school.	Scam Likely was pulled over after swerving on the roadway. He failed a field sobriety test and was taken into custody.
Taka Selfie, a known influencer and socialite, was posing for pictures in the middle of the street in downtown. Several cars had to swerve out of the way to avoid hitting her causing a large crash at a prominent intersection.	Winston Payne was arrested for starting a fight after a road rage incident. Upon arrest he was severely bruised and several eye witnesses identified him as the instigator.
Mr. Nessia is pulled over for a broken taillight. During her traffic stop the officer notices she has an open container of beer in her center console of her car.	Ima Crook sees something in the middle of the road and slams on his brakes causing the person behind him to swerve and hit a lamppost. Instead of staying to make sure the person was okay, he flees the scene.
Miss Terry was speeding down a residential street while texting on her phone. During the process she hit an innocent child that had run into the street.	Dan Druff, a local barber, was late to work and knew if he didn't make it on time he would be fired. He drove 100 miles an hour down the highway in an attempt to make it in time. In the process, he hit a car that changed lanes as he approached killing the person inside.



Let's take a look...

Using the Traffic Safety Scenario Cards, sort them into *Civil*, *Criminal*, and *I'm Not Sure*

As you do so, note that incidents often fall into both categories. For now, pick the one you think is MOST likely.





Let's take a look at your Criminal Pile...



Remember that **Criminal Laws** regulate conduct and duties owed to society. They are divided into **felonies & misdemeanors**.

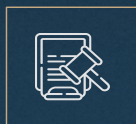


What's the difference between a *felony* and a *misdemeanor*



Felony

An offense punishable by a year or more in prison.



Misdemeanor

An offense punishable by up to a year in prison.





Civil v. Criminal Scenarios

Lauren Order is in a rush to get a friend's party. She takes a turn too quickly causing her to lose control of her car, and crashes into her neighbors tree which happened to be a gift from her grandfather 30 years prior. The crash destroys both Lauren's car and the beloved tree.	Frank Sahwit is a diligent construction worker with a trailer filled with numerous tools. Upon entering the ramp on the highway, his tools, which have not been properly stored, fly out of his car causing a major crash.
Justin Time is a college student who is home for the weekend visiting family. A friend points out to him that his tires are bald and he should get new ones. Since Justin is a poor, struggling student, he decides to ignore the suggestion and heads back to campus. On the way he is led to return to campus. It is raining heavily, causing his car to hydroplane and slamming into another car killing the person inside.	While driving to work, Luke Almey, sees a person on the side of the road with a flat tire. He pulls over to help change the tire by putting on a spare. As the person drives away, one of the lugnuts falls off causing the car to swerve and hit a tree.
Rita Booke has an AP exam she is very nervous about. On her way to school to take the test, she spends her time reading her notes in hopes of digging for any last minute details for her test while driving. She is pulled over with notes in her hand before making it to school.	Scam Likely was pulled over after swerving on the roadway. He failed a field sobriety test and was taken into custody.
Taka Seille, a known influencer and socialite, was posing for pictures in the middle of the street in downtown. Several cars had to swerve out of the way to avoid hitting her causing a large crash at a prominent intersection.	Winston Payne was arrested for starting a fight after a road rage incident. Upon arrest he was severely bruised and several eye witnesses identified him as the instigator.
M. Nessia is pulled over for a broken taillight. During her traffic stop the officer notices she has an open container of beer in her center console of her car.	Ima Crook sees something in the middle of the road and slams on his brakes causing the person behind him to swerve and hit a lamppost. Instead of staying to make sure the person was okay, he flees the scene.
Mick Terry was speeding down a residential street while texting on her phone. During the process she hit an innocent child that had run into the street.	Dan Druif, a local barber, was late to work and knew if he didn't make it on time he would be fired. He drove 100 miles an hour down the highway in an attempt to make it in time. In the process, he hit a car that changed lanes as he approached killing the person inside.

Looking at your **CRIMINAL** column, sort them into your best guess of a felony or misdemeanor



Let's Discuss

What Elements could be changed on the scenarios to place them in another column?





Bifurcated System

Dividing a case into two stages

Stage 1 - Liability / Guilt
Stage 2 - Damages /
Punishment



Back to the idea of Criminal vs. Civil

What are some of the Similarities?
What are some of the Differences?



Let's take a look at some of the
terminology...

Similarities & Differences



	Criminal Law	Civil Law
Defined		
Burden of Proof		
Punishment		
Protections for Defendant		
Examples		



Similarities & Differences



	Criminal Law	Civil Law
Defined	Regulates conduct owed to society	Regulates relationships between people or groups
Burden of Proof	On the state (prosecutor), "guilty beyond a reasonable doubt" (98-99% certainty)	On the plaintiff, "preponderance of evidence" (>50%)
Punishment	Incarceration, fine, execution	Losses, damages, \$\$\$
Protections for Defendant	Bill of Rights, no "ex post facto" law, presumption of innocence	Attorneys can demand documents, depositions, testimony of defendant, complaint may take years to reach trial
Examples	Murder, assault, theft	Consumer, employment, tax, negligence



What is the Source of these Laws?



Constitution

The guiding principle for all laws that govern State & Federal Government

Case Law

Laws created through court rulings (Written by the JUDICIAL Branch)

Administrative Regulations

Made by Federal and State EXECUTIVE Agencies

Statutes & Ordinances

Laws passed the LEGISLATIVE Branch)

Examples...



Constitution

What examples of Constitutionally protected rights can you think of with traffic safety?

Case Law Example

Whren v. US: if officers have a reasonable cause to believe a traffic violation occurred, they may stop a vehicle

Administrative Regulations Example

Created by the Department of Transportation - example: guidelines for wearing seatbelts

Statute Examples

Example: TX Senate Bill 1551 makes it a misdemeanor charge if you don't identify yourself to an officer (2023)



Traffic Safety Case Study...

Take a look at the Traffic Safety Case Study and decide how the incident is both a *civil* and *criminal* matter.



Criminal vs. Civil Student Notes Worksheet

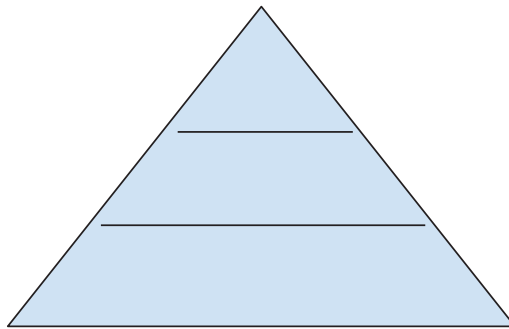
Learning Target:

Purpose of the Courts:

The 3 Basic Functions of the Courts:

1. _____
2. _____
3. _____

The Federal Court Structure:



Know the following terms:

Trial Court -

Appellate Court -

Jurisprudence -

Civil Law -

Criminal Law -

Felony -

Misdemeanor -

Bifurcated System -

Similarities & Differences with Criminal & Civil Law

Terms	Criminal Law	Civil Law
Defined		
Burden of Proof		
Punishment		
Protections for Defendant		
Examples		

Where do our laws come from?

Sources of Law	Examples





Additional Terms to Know:

Plaintiff -

Prosecution -

Defendant/Defense -

Ex post facto -

Negligence -

Jurisdiction -

State Court Structure -

Federal Court Structure -

Court of record -

Additional Notes:



Criminal vs. Civil

Student Notes Worksheet Key

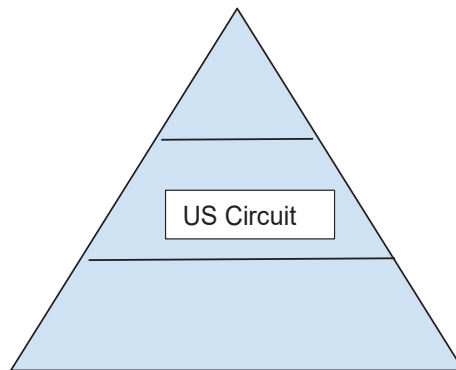
Learning Target: *I will compare and contrast the elements of criminal and civil court.*

Purpose of the Courts: *To deal with disputes or disagreements; To help find a remedy to a conflict between two or more parties; To help us interpret laws and tell us what they mean*

The 3 Basic Functions of the Courts:

1. *Settle disputes*
2. *Interpret the laws*
3. *Create expectations for future actions*

The Federal Court Structure:



Know the following terms:

Trial Court - *a court of original jurisdiction where most criminal and civil cases begin.*

Appellate Court - *reviews procedures and decisions in the trial court to make certain proceedings were fair and the law was properly applied*

Jurisprudence - *the study of law*

Civil Law - *regulate relations between people or groups of people (think LAWSUITS)*

Criminal Law - *regulate conduct and duties owed to society. They are divided into felonies & misdemeanors.*

Felony - *An offense punishable by a year or more in prison*

Misdemeanor - *A offense punishable by up to a year in prison*

Bifurcated System - *dividing a case into two stages (guilt/liability; punishment/damages)*

Similarities & Differences with Criminal & Civil Law

Terms	Criminal Law	Civil Law
Defined	<i>Regulates conduct owed to society</i>	<i>Regulates relationships between people or groups</i>
Burden of Proof	<i>On the state (prosecutor), "guilty beyond a reasonable doubt" 98-99%</i>	<i>On the plaintiff, "preponderance of the evidence" >50%</i>
Punishment	<i>Incarceration, fine, execution</i>	<i>Losses, damages, \$\$\$</i>
Protections for Defendant	<i>Bill of Rights, no "ex post facto" law, presumption of innocence</i>	<i>Attorneys can demand documents, depositions, testimony of defendant, complaint may take years to reach trial</i>
Examples	<i>Murder, assault, theft</i>	<i>Consumer, employment, tax, negligence</i>

Where do our laws come from?

Sources of Law	Examples
<i>Constitution - the guiding principle for ALL laws</i>	<i>The Bill of Rights</i>
<i>Statutes & Ordinances - LEGISLATIVE Branch</i>	<i>Example: TX Senate Bill 1551 makes it a misdemeanor charge if you don't identify yourself to an officer (2023)</i>
<i>Case Law - JUDICIAL Branch</i>	<i><u>Whren v. US</u>: if officers have a reasonable cause to believe a traffic violation occurred, they may stop a vehicle</i>
<i>Administrative Regulations - EXECUTIVE Branch</i>	<i>Created by the Department of Transportation - example: guidelines for wearing seatbelts</i>



Additional Terms to Know:

Plaintiff - *A person who brings a lawsuit against another in a court of law.*

Prosecution - *lawyers representing the government against a person or person in a criminal case*

Defendant/Defense - *An individual or group being sued or charged with a crime.*

Ex post facto law - *one that retroactively changes the legal consequences of actions that were committed, or relationships that existed, before the enactment of the law.*

Negligence - *failure to conduct the level of care a reasonable person would have exercised under the same circumstances*

Jurisdiction - *Power to make legal judgments on a case*

State Court Structure - *Trial Court, Appellate Court, Texas Supreme Court/Texas Court of Criminal Appeals*

Federal Court Structure - *District, Circuit, Supreme Court*

Court of record - *Court with a court reporter (transcript)*

Additional Notes:

Criminal vs. Civil Traffic Safety Scenario Cards

<p>LAUREN ORDER is in a rush to get a friend's party. She takes a turn too quickly causing her to lose control of her car and crashes into her neighbors prized sixty year old tree. The crash destroys both Lauren's car and the beloved tree.</p>	<p>FRANK SAHWIT has a trailer filled with various tools. Upon entering the ramp on the highway, they fly out of his car causing a major crash.</p>
<p>JUSTIN TIME is a college student who is home for the weekend visiting family. Before returning to campus, he gets his oil changed where the attendant tells him he needs new tires. His current ones are so bald the metal lining is showing. Because Justin is a poor, struggling student, he decides to ignore the attendant and leaves. It begins to rain causing his car to hydroplane and slam into another car killing the person inside.</p>	<p>While driving to work in his new Bentley, LUKE ATMEY, sees a person on the side of the road with a flat tire. Because he loves to help others, he changes the tire for the stranded driver. Unfortunately, Luke did not secure all the lugnuts safely causing one of the tires to become detached as that driver pulls away. This causes the driver to hit a road sign and damage their car.</p>
<p>RITA BOOKE has an AP exam she is very nervous about. While driving herself to school, she reads her notes to dig for any last minute details on the content. She is pulled over by law enforcement with those notes in hand before making it to school.</p>	<p>SCAM LIKELY was pulled over after swerving on the roadway. He failed a field sobriety test and was taken into custody.</p>
<p>TAKA SELFIE, a known influencer and socialite, was posing for pictures in the middle of the street downtown. Several cars had to swerve out of the way to avoid hitting her causing a large crash at a prominent intersection.</p>	<p>WINSTON PAYNE was arrested for starting a fight after a road rage incident. Upon arrest his hands were severely bruised and several eyewitnesses identified him as the instigator.</p>
<p>M. NEESIA is pulled over for a broken taillight. During her traffic stop the officer noticed she had an open container of beer in the center console of her car.</p>	<p>IMA CROOK sees something in the middle of the road and slams on his brakes causing the person behind him to swerve and hit a lamppost. Instead of staying to make sure the person was okay, he flees the scene.</p>
<p>MISS TERRY was speeding down a residential street while texting on her phone. During the process she hit an innocent child that ran into the street.</p>	<p>DAN DRUFF, a local barber, was late to work and knew if he didn't make it on time he would be fired. He drove 100 miles an hour down the highway in an attempt to make it on time. In the process, he hit a car that changed lanes as he approached killing the person inside.</p>

Criminal vs. Civil Traffic Safety Case Study

Traffic Safety Case Study

Background:

At the intersection of Maple Street and Elm Avenue, there was an incident involving two vehicles. The first vehicle, driven by Stu Piedman, ran a red light and collided with another vehicle driven by Jay Walker. Both drivers suffered minor injuries, and there was moderate damage to both vehicles. Stu claims he was distracted by his phone and did not notice the red light. Jay asserts he had the green light and was proceeding through the intersection lawfully.

Key Facts:

- Stu ran a red light and collided with Jay's vehicle.
- Both drivers suffered minor injuries.
- Stu admits to being distracted by his phone.
- Jay claims to have had the green light.

Considerations:

Negligence: Stu's admission of being distracted by his phone constitutes negligence, as it diverted his attention from the road, leading to the collision.

Traffic Violation: Running a red light is a clear traffic violation and can result in legal consequences.

Right of Way: If Jay indeed had the green light, Stu failed to yield the right of way, which could further contribute to his liability.

Injuries: Both drivers suffered minor injuries, which could be a factor in determining the severity of the incident, or damages in a civil case.

Based on the information provided, explain how the incident can be evaluated as both a civil and a criminal issue.

CIVIL ISSUE:

CRIMINAL ISSUE:

Civil vs. Criminal Traffic Safety Case Study Key

Answer Key

Civil Issue:

The civil aspect of the case focuses on liability and compensation for damages. Stu's negligence in running the red light and causing the accident makes him liable for the damages suffered by Jay, including vehicle repair costs, medical expenses, and any other associated losses. Jay can file a civil lawsuit against Stu seeking compensation for his damages.

Criminal Issue:

The criminal aspect of the case relates to traffic violations and potential charges against Stu. Running a red light is a violation of state traffic law. Depending on the jurisdiction and the specific circumstances of the incident, Stu could face additional criminal charges such as reckless driving or endangerment. These charges would be brought by the state, and if convicted, Stu could face penalties such as fines, license suspension, or even imprisonment.

Conclusion:

In summary, the incident at the intersection of Maple Street and Elm Avenue involves both civil and criminal considerations. While Stu's negligence establishes his liability in a civil context for his damages, his traffic violation also opens the possibility of facing criminal charges. Ultimately, a thorough investigation and legal analysis would be necessary to determine the appropriate course of action in this case.