

What is a Criminal Case?

A criminal charge is a violation of the criminal law and considered an offense against the community. In a criminal case, an individual can be charged with a felony, misdemeanor or summary offense. Felony charges, such as murder and arson, carry the most severe penalties, while misdemeanors and summary offenses carry lesser penalties. If the prosecutor proves to a jury, or to the judge hearing a case without a jury, that a defendant is guilty beyond a reasonable doubt, that person stands convicted and can face penalties, including prison, fines or probation.

The course of a criminal case:

1. Alleged crime occurs
2. Arrest takes place
3. Preliminary hearing is held ordinarily in one of the Magisterial District Courts to determine if the case should be brought to trial
4. Trial takes place or defendant pleads guilty
5. If there is a conviction, a sentencing hearing is held
6. Defendant can appeal conviction to Superior Court. If the appeal is unsuccessful, it can go to Supreme Court

What is a Civil Case?

Civil cases include every type of legal action except criminal actions, including personal injuries, contract disputes, adoptions, divorces and faulty consumer goods. The party bringing suit, or plaintiff, must prove his or her case before a judge or jury by presenting evidence that is more persuasive than the opposing evidence (unlike a criminal case where the proof must be beyond a reasonable doubt). Some aspects of civil cases—divorce, support or child custody matters—may be heard before judicial officers, including hearing masters or custody conciliator.

The course of a civil case:

1. **Dispute develops**
2. **Complaint filed and served**
3. **Defendant may be required to file an answer**
4. **Both sides gather evidence**
5. **Pre-trial conference takes place between judge and attorneys for both sides to discuss a possible settlement**
6. **If there is no settlement, trial takes place, and a verdict is rendered**
7. **Either party can appeal the decision to appellate courts**

Both criminal and civil cases may be tried before a judge or a jury and a judge. Juries are primarily available in trials held in Courts of Common Pleas. There are no juries in the Supreme Court and Superior Court, and they are rarely used in Commonwealth Court. Even when a jury is permitted, both sides can agree to have the case tried before a judge only.