

# liabilities - crime

## Criminal and civil

- difficult to distinguish between a criminal and a civil wrong.
- Some conduct may amount to a civil wrong.
- example - a intentionally hits b, a tort which is a crime as well as a civil wrong.

- can be distinguished by looking at the nature of the conduct.
- for instance - a crime may be distinguished from a civil wrong by looking at the nature of the conduct.

## moral wrongfulness

- many civil wrongs are also morally wrong.
- example - an employee who has been exposed to asbestos and has suffered, this is morally wrong.
- morals cannot be used to distinguish between a crime and a civil wrong.

## crimes may be distinguished from civil wrongs by worthiness of culpability

## damage to the public

- characteristic put forward for distinguishing between a crime and a civil wrong is damage to the public.
- if conduct causes damage to the public, it is a crime.
- if it causes damage to an individual, it is a civil wrong.

# proceedings

## CRIMINAL

- can easily be distinguished because criminal proceedings are brought by the state and follow different rules.
- conduct cannot be distinguished according to its civil nature.
- only proceedings that follow criminal law can be distinguished from civil proceedings.
- a criminal trial is brought by the state, prosecutes on behalf of the public.

## VICTIMS

- victims of crimes play a minor role in criminal proceedings.
- merely witnesses to the crime.
- after a finding of guilt, victims may sue the defendant in their own capacity for damages.
- the crime affecting them impacts at the sentencing stage.

- a civil trial is most often brought by the claimant.
- known as the claimant.
- sues the defendant in their own capacity for damages.
- individual, civil proceedings focus on the individual.

## CRIMINAL TRIAL

- aim of criminal trial is to punish the offender.

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### **Table of Contents Revision Packs And Notes Studynoteswiki**

1. Understanding the eBook Revision Packs And Notes Studynoteswiki
  - The Rise of Digital Reading Revision Packs And Notes Studynoteswiki
  - Advantages of eBooks Over Traditional Books
2. Identifying Revision Packs And Notes Studynoteswiki
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Revision Packs And Notes Studynoteswiki
  - User-Friendly Interface
4. Exploring eBook Recommendations from Revision Packs And Notes Studynoteswiki
  - Personalized Recommendations
  - Revision Packs And Notes Studynoteswiki User Reviews and Ratings

- Revision Packs And Notes Studynoteswiki and Bestseller Lists
- 5. Accessing Revision Packs And Notes Studynoteswiki Free and Paid eBooks
  - Revision Packs And Notes Studynoteswiki Public Domain eBooks
  - Revision Packs And Notes Studynoteswiki eBook Subscription Services
  - Revision Packs And Notes Studynoteswiki Budget-Friendly Options
- 6. Navigating Revision Packs And Notes Studynoteswiki eBook Formats
  - ePub, PDF, MOBI, and More
  - Revision Packs And Notes Studynoteswiki Compatibility with Devices
  - Revision Packs And Notes Studynoteswiki Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Revision Packs And Notes Studynoteswiki
  - Highlighting and Note-Taking Revision Packs And Notes Studynoteswiki
  - Interactive Elements Revision Packs And Notes Studynoteswiki
- 8. Staying Engaged with Revision Packs And Notes Studynoteswiki
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Revision Packs And Notes Studynoteswiki
- 9. Balancing eBooks and Physical Books Revision Packs And Notes Studynoteswiki
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Revision Packs And Notes Studynoteswiki
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Revision Packs And Notes Studynoteswiki
  - Setting Reading Goals Revision Packs And Notes Studynoteswiki
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Revision Packs And Notes Studynoteswiki
  - Fact-Checking eBook Content of Revision Packs And Notes Studynoteswiki
  - Distinguishing Credible Sources

13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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