**MCJ PROCEDURE**

The Court’s primary task is to decide whether the accused one is guilty or not.

Criminal laws determine if someone commits a crime. The determination about whether to charge someone with a crime and pursue the case in court is made by the government. After a person is arrested and charged with a crime, that person has a criminal case.

Civil law refers to almost all other disputes. These are the laws that apply when a person. business, or agency sues another person, business, or agency. All of these cases are civil cases.

The judges in criminal and civil court have different powers. Criminal Court judges can punish you for breaking the law by sending you to jail. Civil Court judges can order you to pay money or a fine, or make decisions about your family or your home.

In civil court, one person (which would be Mohammed Al-Fayad in the Diana case) *sues* (files a case) against another person because of a dispute or problem between them. A business or agency can also file a case in civil court or be sued in civil court. The person accused of committing the crime is called the *defendant (*which would be Prince of Wales / the Duke of Edinburgh) . If someone loses a case in civil court, that person may be ordered to pay money to the other side or return property, but that person does *not* go to jail just for losing the case.

Civil court cases can be about:

* money and debts
* property
* housing – such as eviction, foreclosure or to fix bad living conditions
* an injury – such as from a car accident, medical malpractice or environmental harm
* marriage and children – such as divorce, child custody, child support, or guardianship

To win, you must prove your civil case by the “preponderance of the evidence.” In other words, the judge or jury must believe that your case is stronger than the other side’s case.

### In this court there would be a defendant, a plaintiff, a judge, the jury and witnesses.

To start, of the role of the defendant would be to defend the accusations made by the prosecutor side.

The role of the plaintiff is to provide evidence against the defendants to prove the accusations they make.

The role of the judge is to provide instructions to juries prior to their deliberations and in the case of bench trials, judges must decide the facts of the case and make a ruling.

The role of the jury is to hear and see the evidence, to follow the law, to deliberate after all the evidence has been presented and to decide whether or not the accused is guilty of one or more of the charges.

To start with the trial:

The plaintiff, or injured party, typically with the help of an attorney, files an initial document called a complaint, the first pleading in a civil action, stating the cause of action.

The plaintiff’s complaint asks for damages or relief from a defendant, who is alleged to have caused the injury. The complaint outlines the legal and factual reasons why the plaintiff believes the defendant is responsible for his injury.

The defendant or his lawyer has a specified time to either personally appear in court. The defendant is required to file a document referred to as an “answer”. The answer addresses the facts and the legal claims in the complaint. The answer tells the court which facts in the complaint the defendant agrees with, and those with which he disagrees.

Once the complaint and answer have been filed with the court, attorneys for both sides consider proper motions. A motion is a request to the court to issue an order. The defense may file a motion to dismiss, indicating the complaint does not contain facts making the defendant liable to the plaintiff. A defendant may file a motion to dismiss before his answer. The plaintiff may file a motion for summary judgment, which says the parties do not disagree about the facts of the case and that those facts make the defendant liable to the plaintiff.

If a court grants either of these early motions, the lawsuit may end. This is why motions to dismiss or for summary judgment are usually the first parts of a lawsuit. If these motions are denied (or not filed as inappropriate), then the lawsuit proceeds.

At the trial, the plaintiff first starts with the opening statement (same goes for the defendant side) and then presents evidence first to a judge either in a bench trial or a group of citizens in a jury. After the plaintiff presents evidence, the defendant has an opportunity to present the defense side of the case. The plaintiff has the burden of proving his case by a preponderance of the evidence. This means that it is more likely than not, that the claims of the plaintiff are true. This standard of evidence is much lower than the criminal standard of beyond a reasonable doubt.

Both sides present their cases, and then the judge or jury decides. If the judge or jury finds against the plaintiff, the case is over. The judge enters a judgment in favor of the defendant releasing the defendant from liability for the plaintiff’s claims.

If the judge or jury finds for the plaintiff, the defendant is found to be liable and judgment is entered for the plaintiff. The court then awards damages (money) and/or orders the defendant perform a specific act. This order concludes the trial process and is a judgment in favor of the plaintiff.