

HOW A PLEA BARGAIN COULD AFFECT A CIVIL ACTION ARISING OUT OF THE SAME INCIDENT

...so let's suppose that Dude was charged with a DUI crash. Dude was driving while intoxicated, hit a parked car, and then skid off of the road, into a Neighbor's yard, causing 2,300 dollars of property damage. The neighbor brings a civil suit against Dude to recover the 2,300 dollars.

How does Dude's plea, in the DUI crash criminal charge, affect the outcome of the civil case?

If the civil suit is first (which is nearly impossible considering the faster procedural disposition of cases in criminal court), then Neighbor (Petitioner in this situation) *might* get to bring in to civil court that Dude (Respondent in this situation) was intoxicated...yet all that would matter, in the finding of fact, is the police report stating the Dude's car was, in fact, what caused the damage to Neighbor's yard. Dude would obviously settle this far before trial because he would know, for sure, that he would lose.

However, if Dude (Defendant in this scenario) entered a 'guilty' plea to the DUI charge, then he has *admitted* guilt...yet many defendants don't understand the full impact of a guilty plea. If Neighbor filed the civil suit *after* the criminal proceeding concluded then Neighbor already has Dude admitting guilt (the plea bargain), so a significant hurdle is overcome immediately for the civil suit.

...yet Prosecutors usually get the costs of all damage assessed to the defendant as part of the probationary period i.e. the Prosecutor would get the 2,300 dollars of damage ordered by the court to be paid to Neighbor during the twelve month probationary period. I did this as a Prosecutor all of the time. This makes it easier for the victim to recover and not have to bring a separate suit, in civil court, which prolongs the process and eats up the financial recovery with attorney's fees.