

# THE IMPACT OF CRIMINAL VERDICTS IN CIVIL PROCEEDINGS

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## ABSTRACT

This research meticulously delves into the multifaceted effects of criminal verdicts within the context of civil proceedings, unraveling the intricate web of their consequences on both the legal framework and the broader societal fabric. Through an exhaustive and nuanced analysis encompassing normative and legal dimensions, this study endeavors to shed light on the intricate width of implications that emanate from criminal verdicts. The main goal is to make a significant contribution to the current discourse on justice, encouraging a deeper understanding of the diverse and wide spectrum of interrelations of multiple substances in the direction of achieving justice and fairness of court proceedings.

**Keywords:** criminal verdicts, civil proceedings, „prima facie“ proof, binding judgement, evidence.

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## **1. Introduction**

The interwoven complexities that arise from the interplay between criminal verdicts and civil proceedings significantly mold the dynamics of the legal realm while simultaneously shaping the collective consciousness of justice within society. To thoroughly comprehend the multifarious challenges, a comprehensive and meticulous exploration is paramount. This paper embarks on an intellectual journey to dissect and illuminate the intricate and nuanced effects that criminal verdicts cast within the realm of civil proceedings. The harmonious coexistence of criminal verdicts and civil proceedings is not merely a confluence of legal principles; it serves as a fulcrum upon which the balance of justice teeters. The complex interactions between these two spheres hold the potential to reverberate far beyond individual cases, bearing the potential to shape jurisprudential paradigms and public trust in the sanctity of law. By probing the depths of this subject matter, we can uncover the intricate threads that bind criminal verdicts to the structure of civil proceedings, thereby unraveling a narrative that encapsulates the very essence of justice.

This research will help uncover the conceptual underpinnings of the complex interaction between criminal convictions and civil proceedings. The essence of „verdict justice“ lies in its recognition of the crucial role played by individuals' perceptions of the justice of a criminal sentence. A criminal verdict is not a solitary event confined to the courtroom; it becomes a symphony of reactions, emotions and perceptions that resonate far beyond the boundaries of the legal arena. Its resonance is not limited to the effect of the criminal procedure but may imply actions in the procedure that are necessary for the realization of the rights of the individual - the subject of the completed criminal procedure.

Justice is not a monolithic concept, but a dynamic interaction of individual perceptions, social expectations and legal principles. By delving into the far-reaching effects that criminal convictions have in the complex landscape of civil proceedings, we gain a deeper insight into the profound impact of criminal convictions within civil proceedings - a place where justice transcends its legal boundaries and becomes a living testament to the complex interplay of legal norms, human beliefs and social conditions for the satisfaction of justice in front the courts.

## **2. Normative and legal implications**

As we venture deeper into the intricate interplay between criminal verdicts and civil proceedings, we encounter a realm rich with normative and legal dimensions that reverberate far beyond the confines of the courtroom. This research assumes a critical stance, invoking the imperative of evaluating the legal basis of criminal verdicts and their harmonization with established legal frameworks and procedural norms. Sentencing is not just an isolated event; criminal convictions decisively affect the delicate structure of legal certainty. Criminal convictions affect legal certainty and produce far-reaching effects that extend beyond the immediate case and into the wider area of legal stability, through their consideration in proceedings in front of civil courts.

The protection of the rights of the accused appears to be a pillar of great importance. The impact of criminal convictions on the rights of the accused he acquired in the civil proceeding, requires careful examination of procedural protective measures, fair application of legal principles, and a comprehensive commitment to ensure fair procedure. Adherence to the basic principles of a fair trial and the adoption of legal criminal judgments form the foundation upon which rests the architecture of civil proceedings.

The impact of criminal verdicts extends beyond the confines of individual cases, seeping into the collective consciousness of society and legal thought. The alignment of these verdicts with normative frameworks is not a mere exercise in theory; it is a testament to the enduring quest for a harmonious coexistence of justice, law, and human rights - a quest that resonates through the annals of legal history and the tapestry of societal expectations. The profound impact of criminal verdicts within the realm of civil proceedings is an area where the principles of justice meld with the contours of law, and the protection of rights becomes a sacred duty.

### **2.1. Impact of criminal proceedings on civil proceedings**

Criminal cases are no rule for civil cases. The disposition of a criminal case may affect the criminal defendant in later civil litigation. A conviction in a criminal trial can make a significant impact on civil proceedings. Any defense strategy should consider the potential collateral consequences of the criminal case. The disposition of the criminal case may affect a later civil suit regarding the same incident when the criminal defendant is sued civilly for money damages by the „victim“. Proof of a conviction is proof that a crime was committed. Basically then, a

conviction gives rise to a legal presumption of wrongdoing which, unless rebutted with evidence, is conclusive against all affected parties in a civil suit.<sup>1</sup> A finding of guilt can be used in the civil suit as proof that the crime was committed by the defendant. It is possible for a defendant to rebut this presumption, but it gives the plaintiff a leg - up in the proceeding and makes things considerably more difficult for the defendant.<sup>2</sup> This makes the finding of liability of the defendant significantly easier in the civil suit and moves the focus of the case to determining the amount of damages owed for the wrongful act. While a criminal acquittal may come across as a victory to defendants, it does not mean defeat for plaintiffs.

Unlike convictions, acquittals have no beneficial legal effect on liability in a subsequent civil proceeding that is based on the same alleged wrongdoing that resulted in the acquittal. Acquittals or dismissals do not necessarily mean that a client will suffer no further consequences. There are multiple proceedings within criminal cases that may result in admissions and evidentiary findings that will be highly relevant in the subsequent civil matter.<sup>3</sup> Acquittals do not create the same legal presumption in civil suits that convictions do. This is not to say, however, that an acquittal does not have practical implications for a subsequent civil suit. It does. Acquittals also do not mean that the person is innocent. It means there was at least a reasonable doubt as to whether the person was guilty. Thus, unless the problems that came to light through the criminal case can be overcome, in a civil case, the alleged offender is compellable and the alleged victim has party standing and, so, is able to exercise direct control over the case to be advanced, it is unlikely a subsequent civil suit will be brought, or if brought be successful.<sup>4</sup> The standard of proof is lower in civil suits and therefore it need only be proven that it is more likely than not that the wrongful act occurred. Thus, all hope is not lost for plaintiffs. In fact, there can also be benefits of an acquittal from a civil perspective. When determining damages in a civil suit, the plaintiff can

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<sup>1</sup> Grace, E. (2017) „Criminal v. Civil: How the Criminal Process Can Impact a Parallel Civil Process“in *For the Defence*. Criminal Lawyers Association Newsletter (Vol. 38, No. 2), pp. 18-24.

<sup>2</sup> <https://www.mcleishorlando.com/insights/the-impact-of-criminal-trials-on-civil-trials-what-to-know/>

<sup>3</sup> <https://marshalldennehey.com/articles/civil-consequences-criminal-cases>

<sup>4</sup> Grace, E. (2017) „Criminal v. Civil: How the Criminal Process Can Impact a Parallel Civil Process “in *For the Defence*. Criminal Lawyers Association Newsletter (Vol. 38, No. 2), pp. 18-24.

claim punitive damages (i.e., punishment). In civil trials, judges and juries will require that the plaintiff prove with a „preponderance of the evidence“ that the defendant is liable; in other words, that it is more likely than not that the defendant committed the acts that caused your injuries and should be required to compensate you for them.<sup>5</sup> The focus is on compensating the plaintiff and putting them back into the position they would have been in, had the wrongful act not occurred.

Previous criminal convictions are admissible in subsequent civil proceedings and are „prima facie“ proof of the material facts underlying the conviction.<sup>6</sup> The admissibility of a criminal conviction into a civil case is used to offer proof in support of the material facts that led to the conviction. This serves to give such evidence merit in the civil trial. However, this proof is considered „[prima facie](#)“, which means that the defendant in the civil litigation still has the right to challenge it.<sup>7</sup> That said, the conviction certainly sets the bar high for such challenges, as the defence has to prove that the original conviction was flawed. To surmount this high bar, the defence would have to offer new evidence that conclusively proves that the original ruling was wrong or proves that the criminal case was somehow corrupt. Prima facie theory recognizes the probative value of prior judicial determinations.<sup>8</sup> Under the prima facie rule the record of conviction in the criminal case is admissible in the subsequent civil case as prima facie evidence of the facts stated therein, thereby shifting the burden of disproving such facts to the accused.

Evidence and guilty verdicts in criminal proceedings will inevitably have an impact on civil cases. The limitation upon the scope of operation of a judgment is apparent from earliest times - that, prima facie, it is conclusive only as to its existence, the court, the parties, the date, the proceedings of the court, their legal effect, and its accuracy, but not necessarily of the truth of the matters decided.<sup>9</sup> One issue the courts must

<sup>5</sup> <https://www.dupeelaw.com/criminal-conviction-effect-on-civil-case/>

<sup>6</sup> MOORE MANDEL, W. (2016) „CRIMINAL CONVICTION CAN HAVE BIG IMPACT ON A CIVIL CASE“ IN *THE LAWYERS WEEKLY. RECOVER PERSONAL INJURY MAGAZINE* (VOL. 3, NO. 1), P. 9.

<sup>7</sup> <https://www.masstsang.com/blog/post/how-your-criminal-conviction-can-impact-your-civil-lawsuit/>

<sup>8</sup> H. Davis, T. (1957) „Criminal Judgments as Evidence in Civil Cases“ in *SMU Law Review* (Vol. 11, issue 2, article 9), p. 233.

<sup>9</sup> Coutts, J. A. (1954) *The Effect Of a Criminal Judgment on a Civil Action*. A contribution to the proceedings of the Fourth International Congress of Comparative Law held in Paris, 1954, in *The Modern Law Review* (Vol. 18), p. 231.

deal with is whether the facts from a criminal conviction should stand up in civil court. The other is how much weight a judge in a civil trial should give to evidence that was presented during a criminal proceeding. When the issue in the civil case is the same as the issue that was determined in the criminal proceeding, and there is no new evidence, the prima facie evidence of conviction is given conclusive weight. Once admitted as prima facie proof, the civil proceeding may then commence to test the evidence and create a ruling about the weight the evidence should be afforded.<sup>10</sup>

### **3. The regulation of the issue in the legal system of the Republic of North Macedonia**

The correct application of the legal rules on legal relations depends on the complete and correct determination of the factual situation in the dispute. The final judgment of the criminal court by which the defendant is declared guilty is binding on the court in civil proceedings about the existence of the crime and the criminal responsibility of the perpetrator. Namely, the facts determined by a final judgment passed in a criminal procedure, are included in the lower premise (praemisa minor) of the court decision and they are not subject to proof in litigation.

Regarding the issue of the extent of the binding of the civil court with the criminal verdict, there are two conceptions in the procedural theory.<sup>11</sup> According to the first concept (the so-called procedural - legal or specific criterion), the civil court is bound by all the factual determinations in the criminal judgment. According to the second conception (the so-called material - legal or abstract criterion), which dominates the theory, the civil court is bound only by those facts that were

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<sup>10</sup> A CONVICTION IN A CRIMINAL CASE IS GENERALLY ADMISSIBLE AS PROOF IN A CIVIL PROCEEDING, WITH CERTAIN EXCEPTIONS: IF IT'S PROVEN THAT THE FIRST CASE WAS TAINTED BY FRAUD OR DISHONESTY; IF THERE'S FRESH, NEW EVIDENCE, PREVIOUSLY UNAVAILABLE, THAT CONCLUSIVELY IMPEACHES THE ORIGINAL RESULTS; IF THE STAKES IN THE CRIMINAL PROCEEDING WERE TOO MINOR; OR IF FAIRNESS DICTATES THAT THE ORIGINAL RESULTS SHOULD NOT BE BINDING. FOR MORE IN: MOORE MANDEL, W. (2016) „CRIMINAL CONVICTION CAN HAVE BIG IMPACT ON A CIVIL CASE“IN *THE LAWYERS WEEKLY. RECOVER PERSONAL INJURY MAGAZINE (VOL. 3, NO. 1)*, P. 11.

<sup>11</sup> Janevski, A., Zoroska - Kamilovska, T. (2009) *Civil procedural law, Book One: Civil Law*. Skopje: Faculty of Law „Justinianus Primus“, p. 304.

determined by the criminal court, without which the crime would not exist. This means that in the civil procedure, only the „abstract characteristics“ of the crime for which the judgment has been pronounced must be respected, and the other factual findings in the judgment can be determined by the civil court, and even determine proof if they are disputed between the parties.

Taking into account the material - legal criterion in relation to the binding force of the criminal judgment in civil proceedings, for a request based on the same event for which the judgment was passed, the civil court is bound by the facts determined in the final criminal judgment, which refer to and are essential for the existence of the crime and the criminal responsibility of the perpetrator, that is, only with the objective features of the existence of the crime prescribed by law and the features essential for the existence of the criminal responsibility.<sup>12</sup> The court in a civil proceeding is not bound by the final criminal judgment about other circumstances that are not determined in the criminal proceeding as elements of the crime and criminal responsibility. The trial court is bound by the factual description of the nature of the crime determined by a final criminal verdict.<sup>13</sup> Namely, if the injured party files a lawsuit based on the facts that have already been determined by a final conviction of the criminal court (a lawsuit for compensation for damage, for the return of objects and things, for termination of a contract, etc.), in the litigation, he is exempt from the duty to prove those facts, and the civil court is obliged to consider those facts established. In a lawsuit for damages, the court independently decides on the extent of the responsibility of the injured party and the pest, is not bound by the position of the criminal court and can establish facts regarding the circumstances that condition the degree of guilt for the occurrence of the damage.<sup>14</sup> According to this, if the responsibility for non - material damage results from a committed criminal act of the defendant, the court is bound by the final judgment of the criminal court by which the accused is declared guilty in view of the existence of the criminal act and criminal responsibility. However, in the civil procedure, the court can determine those facts and circumstances

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<sup>12</sup> *ibid.*, 305.

<sup>13</sup> Chavdar, K., Chavdar, K. (2016) *Commentary on the Law on Civil Procedure with comments, case law, examples of practical application and subject register - third amended and supplemented edition*. Skopje: Agency „Akademik“, p. 64 (Commentary on article 11 of the Law on Civil Procedure).

<sup>14</sup> *ibid.*, 64.

related to the same event that are not determined in the criminal procedure, if they are important for determining the type and extent of (non)material damage, as well as for the application of the rules for shared responsibility (Court practice of the Supreme Court of RNM, 1014/92 of 11.2.1993, 57-60/93).

In this context, a final criminal judgment that has already been passed can be referred to as a preliminary (prejudicial) issue that establishes some right or legal relationship that precedes the adoption of a decision on the main matter, that is, on the merits of the claim in the civil procedure. Namely, if there is already a valid court decision for the previous question as the main question, it binds the civil court and it cannot independently decide on the previous question. Moreover, in civil proceedings, the court is bound only by the sentence of the final judgment of the criminal court and that, only in terms of the existence of the crime and criminal responsibility and is not bound by the reasoning of such a judgment.<sup>15</sup>

### **3.1. Case study**

In the following cases from the judicial practice in North Macedonia, the binding of the civil court to the judgment passed in a criminal procedure in relation to the existence of the crime and the criminal liability can be seen.

The Criminal Court passed a final judgment by which, due to the committed crime of serious bodily injury that resulted in death of the injured party, the accused was sentenced to 6 years in prison (Judgement of the Basic Court Kocani C-110/14 of 17.06.2014 and Judgment of the Court of Appeal Shtip CC-525/14 of 14.10.2014). A civil procedure has been initiated with a lawsuit for compensation of damage, where the plaintiffs are the parents, son and sister of the victim for the material damage suffered, but also mental pain due to the death of their son, brother and father, and the so - called „future suffering“ is also certain which will appear in the future and in turn is a basis for non - material damage. The civil court accepted the claim and issued a verdict ordering

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<sup>15</sup> Chavdar, K., Chavdar, K. (2016) *Commentary on the Law on Civil Procedure with comments, case law, examples of practical application and subject register - third amended and supplemented edition*. Skopje: Agency „Akademik“, p. 64 (Commentary on article 11 of the Law on Civil Procedure).



the defendant to pay the plaintiffs an appropriate amount of money in the name of material damages for treatment and funeral expenses of the injured party's parents, non-material damages for mental pain suffered due to the death of the son on behalf of the parents, non-material damages for mental pain suffered due to the death of the parent of the minor plaintiff - son of the injured party, non-material damage to the plaintiffs for mental pain suffered due to the death of their brother, with legal penal interest counted from the day of judgment until the day of payment, as well as in the name of compensation for the damage suffered by the loss of maintenance to pay a monthly amount to the minor son of the injured party as long as there are legal conditions for this, as well as to reimburse the costs of the proceedings to the plaintiffs.<sup>16</sup>

With judgment of the Basic Court Shtip C. no. 154/13 of March 17, 2016, the accused, an employee of the defendant TTK Bank AD Skopje Branch Shtip, was found guilty for the crime „Abuse of official position and authority“ from Art. 353 paragraph 4 c.v. with paragraph 3, c.v. Paragraph 1 of the Criminal Code of the Republic of Macedonia and was sentenced to 5 years in prison. He is obliged to pay compensation to the injured party, the plaintiff Aluniko DOOEL Shtip in concrete monetary amounts. With the judgment of the Appeal Court Shtip CC-3/17 of 22.06.2017, the judgment of the Basic Court Shtip was modified only in relation to the decision on the criminal sentence, so that the accused for the committed crime was sentenced to a prison term of 7 years, and in the remaining part the first - instance verdict was confirmed. The BASIC court obliged the accused, as an employee of the defendant in the sense of paragraph 2 of Article 157 of the Law on Obligations, to compensate the

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<sup>16</sup> The claim is based on the following provisions of the Law on Obligations (Official Gazette of RNM, no 18/01, 4/02, 5/03, 84/08, 81/09, 161/09, 123/13): Article 182 (1) He who causes someone's death is obliged to compensate the usual expenses for his funeral. (2) He is obliged to reimburse the costs of his treatment from the injuries received and other necessary costs related to the treatment, as well as the earnings lost due to the inability to work. According to Article 183 (1) The person who supported the deceased or regularly helped him, as well as the person who, according to the law, had the right to demand maintenance from the deceased, has the right to compensation for the damage suffered by the loss of maintenance, that is, assistance. According to Article 190 (1) In case of the death of a person, the court may award the members of his immediate family (spouse, children, and parents) fair compensation for their mental pain. (2) Such compensation can also be awarded to brothers and sisters if between them and the deceased there was a more permanent life union.

injured party ALUNIKO DOOEL Shtip.<sup>17</sup> The civil court adopted the claim of the plaintiff Aluniko DOOEL Shtip. The plaintiff TTK Bank AD Skopje Branch Shtip, is indebted, in addition to the accused as an employee, who with the judgment of the Basic Court is obliged to pay the plaintiff an monetary amount in the name of compensation for damage and jointly with him to compensate the plaintiff for the damage in the the specified amount within 15 days after the receipt of the verdict. The defendant must compensate the plaintiff for the procedure costs in an amount specified after the hearing.

Non - binding of the court for the final judgment of the criminal court and the basis for rejecting the claim as unfounded, can be seen in the case of the existence of a final criminal judgment for the crime of endangering public traffic, in which the plaintiff was injured, and the defendant in the litigation caused the damage due to negligence in performing work for his employer, which was determined by the judgment of the criminal court. The unintentional causing of the damage releases the defendant from responsibility<sup>18</sup>, and the plaintiff will compensate the damage from the employer, as the first defendant, that is, from the insurance company whose insured is the owner of the motor vehicle, as the second defendant. There may be a shared responsibility for the damage caused to the plaintiff, because with his behavior he contributed to the damage (running in front of a vehicle) and based on that, the compensation for the damage should be proportionately reduced.

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<sup>17</sup> According to Article 157 paragraph 1 and 2 of the Law on Obligations (Official Gazette of RNM, no 18/01, 4/02, 5/03, 84/08, 81/09, 161/09, 123/13), the employer for whom the employee worked at the time of causing the damage is liable for damage that the employee causes to a third party in the course of the work or in connection with the work, unless he proves that the employee in the given circumstances acted as he should have. The injured party has the right to demand compensation for the damage immediately from the employee if he caused the damage intentionally.

<sup>18</sup> According to Article 157 paragraph 1 and 2 of the Law on Obligations (Official Gazette of RNM, no 18/01, 4/02, 5/03, 84/08, 81/09, 161/09, 123/13), the employer for whom the employee worked at the time of causing the damage is liable for damage that the employee causes to a third party in the course of the work or in connection with the work, unless he proves that the employee in the given circumstances acted as he should have. The injured party has the right to demand compensation for the damage immediately from the employee if he caused the damage intentionally. According to Article 156 paragraph 5 of the Law on Labor Relations (Official Gazette of RNM, no. 167/15), if the employee causes damage to a third party at work or in connection with the work intentionally or due to gross negligence, the employer is obliged to compensate that person for the damage, and the employee is obliged to compensate the damage to the employer.

#### 4. Conclusion

This study tries to explain and analyze the impact of criminal convictions in civil proceedings, their impact on the legal system and social aspects. Examining the implications of judgments in terms of gaining confidence in the legal system and realizing perceptions of justice is crucial.

The ability of criminal convictions to affect confidence in the legal system has far-reaching implications for the rule of law and social cohesion. This research contributes to the current discourse on justice and aims to show a way to facilitate access to a fair and just trial, and thus the fairness of judicial processes. Criminal convictions are not isolated statements; they are complex threads woven into the very fabric of legal systems. These judgments have an inherent power that extends far beyond individual cases.

At the forefront of this research lies the profound impact of criminal convictions on trust in legal systems - an impact that resonates with colossal significance by ensuring the satisfaction of the injured parties in previously conducted proceedings. A criminal conviction, and the implications it creates further in civil proceedings, can either strengthen or destroy this trust, affecting perceptions of the fairness, transparency, and effectiveness of legal mechanisms. The interaction between criminal judgments and civil proceedings encourages reflection on the achievement of the ideal of justice and fairness, as well as reliance on the well - established legal system of the state.

Understanding the actual legal repercussions, or lack thereof, of one type of proceeding on another is an essential step to formulating effective legal and practical strategies for advancing clients' interests, whichever side of the case one is on.

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