

APPENDIX A: GLOSSARY

ACCESSORY: A person who assists in the commission of a crime, either before or after the fact.

ACQUIT: To find not guilty.

ACTION / CASE / SUIT / LAWSUIT: A legal dispute brought into court for trial.

ACTUS REUS: An act in violation of the law; a guilty act.

ADJUDICATION: Giving or pronouncing a judgment or decree; rendering a decision on a matter before the court.

ADMISSIBLE EVIDENCE: Evidence that can legally and properly be used in court.

ADVERSARY SYSTEM: The system of trial practiced in the United States, in which each of the opposing parties has full opportunity to present and establish his/her opposing contentions before the court.

AFFIDAVIT: A written and sworn statement witnessed by a notary public or another official possessing the authority to administer oaths.

ALIBI: An excuse or plea that a person was somewhere else at the time a crime was committed.

ALLEGATION: An assertion or statement of a party to an action explaining what the party expects to prove.

APPEAL: The bringing of a case to a higher court for review.

APPELLATE COURT: A court which hears appeals from a lower court.

ARRAIGNMENT: The initial appearance before a judge at which the defendant is told his rights and given a lawyer if needed, and enters his plea.

ARREST: To be taken into custody by a legal authority.

ATTORNEY / LAWYER: A person who has been trained and licensed to represent others in legal matters.

BAIL: A sum of money posted by a defendant to guarantee his appearance in court prior to being released from jail.

BAIL BONDSMAN: A person who will post bail to obtain the release of a defendant from jail in exchange for a fee, usually 10% of the total bail.

BAILIFF: A court official whose duties are to keep order in the courtroom and assist the jury.

BENCH TRIAL: Trial without a jury in which the judge decides the case.

BEYOND A REASONABLE DOUBT: The judge or jury is entirely convinced, with no rational doubt as to the defendant's guilt.

BIND OVER: A judge's decision to hold a criminal defendant for trial.

BOOKING: Being processed into jail.

BRIEF: An attorney's written statement of a client's case filed in court; a summary of the facts in the case, pertinent case law, and an argument of how the law applies to the facts supporting the client's position.

BURDEN OF PROOF: The principle that, in a criminal case, the prosecution must prove its case beyond a reasonable doubt.

CALENDAR: A court's list of cases to be heard by a particular judge.

CASE LAW: The law made by courts by interpreting cases and law rather than codified laws.

CERTIFICATION: The process of transferring a juvenile's case from the Juvenile Court to an adult court for trial.

CHANGE OF VENUE: The removal of a trial begun in one jurisdiction to another jurisdiction.

CHARGE: An accusation by the state against an individual.

CIRCUMSTANTIAL EVIDENCE: Evidence of an indirect nature; testimony not based on actual knowledge or observation.

CITATION: An official notice to appear in court and answer to charge(s).

CIVIL CASE: A lawsuit brought by one citizen against another.

COMMON LAW: A body of unwritten judicial opinion based upon custom, tradition, and precedent.

CONCURRENT JURISDICTION: Two or more courts who share jurisdiction, each authorized to hear the case.

CONCURRENT SENTENCE: Sentence under which two or more prison or jail sentences are served at the same time.

CONDITIONAL RELEASE: A non-security release from custody which imposed regulations on the activities and associations of the defendant.

CONSECUTIVE SENTENCE: When two or more prison or jail sentences are served back to back.

CONTEMPT OF COURT: Any act involving disrespect to the court or failure to obey its rules or orders.

CONTINUANCE: An order of the court postponing the court's proceedings.

CONTRACT: A legally enforceable agreement between two parties, each of whom promises to do certain things.

CONVICTION: In a criminal case, a finding that the defendant is guilty.

CORROBORATING EVIDENCE: Confirmation or support of the story of a witness or victim.

COUNTY/DISTRICT ATTORNEY: A lawyer employed by the government to prosecute criminal cases; also referred to as the prosecutor.

COURT: A place where legal proceedings occur.

COURT OF RECORD: A court whose proceedings are permanently recorded.

CRIMINAL CASE: A case brought by the government against a person accused of committing a crime.

CROSS EXAMINATION: The questioning of a witness by the lawyer for the opposing side.

CULPABILITY: The act, conduct, or negligence of a person.

DEFENDANT: The accused in a criminal case; the person from whom money or other recovery is sought in a civil case.

DEFENSE ATTORNEY: The lawyer who represents the accused person.

DELIBERATION: The jury's decision-making process after hearing the evidence, closing arguments, and instructions to the jury.

DELINQUENCY: The commission of an illegal act by a juvenile.

DEPOSITION: The testimony of a witness taken under oath outside of court.

DETAIN: Stopping a person briefly to inquire, question, or conduct a reasonable investigation.

DIRECT EXAMINATION: The questioning of a witness by the attorney for the party on whose behalf the witness is called.

DISCOVERY: The process by which parties to an action are allowed to gain relevant information known to the other party prior to trial.

DIVERSION: Process for handling a relatively insignificant juvenile violation informally. In criminal cases, continuance of a case for a specific period of time with the goal of dismissal if all conditions are met.

DUE PROCESS: The method for determining whether a person is guilty, incorporating rules which protect an individual's rights.

EN BANC: A full court. Many appellate courts sit in part or as a committee rather than using the full contingent of judges that are on the court.

EVIDENCE: That which is presented in court to prove or disprove an allegation.

EXCLUSIONARY RULE: Evidence which was obtained illegally and cannot be used in a criminal trial against a defendant.

EXCLUSIVE JURISDICTION: The matter can only be filed in one court.

EXHIBIT: Objects presented in court to prove the facts of a case.

EXTRADITION: The surrender of an accused or fugitive from one jurisdiction to another.

FINE: A sum of money paid as part of a penalty or conviction for a particular offense.

GRAND JURY: 12 to 23 citizens who hear evidence to decide whether a defendant should be held for a felony trial.

GUILTY: Adjudged or convicted of an offense; culpable.

HABEAS CORPUS: A Latin phrase meaning "you have the body." In criminal cases, it refers to a court order to have a prisoner released if he is being held illegally.

HEARSAY: Secondhand evidence.

HUNG JURY: A jury unable to reach a verdict as required by law.

INCARCERATION: Confinement in a jail or prison.

INCRIMINATE: To imply the guilt of an individual.

INDICTMENT: An accusation made by a grand jury that the accused has violated a law.

INFORMATION (COMPLAINT): A formal document charging an individual with the commission of a crime.

IRRELEVANT: Evidence not sufficiently related to the matter at issue.

JUDGE: A person appointed to hear and decide questions of law in court cases and to make certain that fair procedures are used.

JUDGMENT: The official decision of a court.

JURISDICTION: The legal authority of a court to hear a case or conduct other proceedings.

JURY: A group of qualified people empaneled to hear the evidence in a trial and give a verdict.

JURY TRIAL: A trial in which a group of citizens listens to the evidence presented in court and then gives its verdict.

LIABILITY: A legal responsibility, obligation, or debt.

MENS REA: A guilty mind; the intent required to commit the crime.

MISTRIAL: A trial which is void due to an error.

MOTION: A request presented to the court in legal form.

NEGLIGENCE: Failure to exercise the care that an ordinarily prudent person would exercise in the same situation.

NOLO CONTENDERE: A Latin phrase meaning “I will not contest it”; a plea in a criminal case which is similar to a guilty plea, except that the defendant does not actually admit having committed the crime.

OATH: The swearing before the court that you will tell the truth or decide the case fairly.

OBJECTION: A party asserts that a particular witness, line of questioning, evidence, or other matter is improper and should not be allowed.

ORIGINAL JURISDICTION: The court in which a matter must first be filed.

PEREMPTORY CHALLENGE: The right of a party to a trial to reject a certain number of prospective jurors without giving a reason.

PERJURY: Lying while under oath.

PLAINTIFF: The person or party who files a complaint and brings legal action against another person or party.

PLEA: The defendant’s response to a criminal charge (guilty, not guilty, or no contest).

PLEA IN ABEYANCE: A plea held in suspension. Upon completion of requirements, a guilty finding is set aside.

PLEA BARGAIN: Negotiations between a defense attorney and a prosecutor in which a guilty plea is exchanged either for a lesser charge or for fewer charges.

POSSE COMITATUS: A body of men that a law enforcement officer can call upon to assist him in time of emergency or need.

PRECEDENT: A rule of law established by an appellate court for a particular type of case.

PREMEDITATION: When a crime was thought about beforehand.

PREPONDERANCE OF THE EVIDENCE: Evidence which is minimally of greater weight or more convincing than the evidence which is offered by the opposition.

PROSECUTOR: The individual who conducts criminal prosecutions on behalf of the state or people.

PRO TEMPORE: For the time being; temporary.

PUBLIC DEFENDER: A lawyer regularly employed by the government to represent people accused of crimes and who cannot afford to hire their own attorney.

RELEVANT: Evidence which helps to prove a point or issue in a case.

REMAND: To send a case back to a lower court after an appeal has been heard and decided in the appellant's favor.

RESTITUTION: Court ordered payment by the offender to the victim of a crime to restore goods or money.

SENTENCE: The judgment pronounced by the court upon the defendant after conviction, imposing the punishment.

SEQUESTER: To separate from or hold aside.

STATUTE LAW: Law passed by a law-making body such as the State Legislature.

STANDING: The legal right of a person or group to challenge a ruling or the conduct of another.

STAY: The temporary suspension of proceedings in a case, by order of the court.

SUMMONS / SUBPOENA: An official order of the court to appear at a specific time.

TESTIMONY: Information or evidence given by a witness under oath.

TRIAL DE NOVO: A new trial or retrial held in an appellate court in which the whole case is heard as if the trial had not been heard previously in a lower court.

VENUE: The particular geographic area in which a court with jurisdiction may hear and determine a case.

VERDICT: A formal decision or finding made by the jury.

VOIR DIRE: The questioning of possible jurors by the judge and the lawyers to decide whether they are acceptable to decide the case.

WAIVE: To give up a right or a claim voluntarily.

WARRANT: A writ or order authorizing arrest, search and seizure, or other act, in the interest of justice.

WRIT: An order issued by a court or judge, in the name of the state, for the purpose of compelling the defendant to do something mentioned in the order.

WRIT OF CERTIORARI: A writ from a superior court to an inferior court directing that a record of its proceedings in a specific case be sent up for review.