

Common Legal Terms and Definitions

Arraignment or Initial Appearance: The accused is brought to court or appears in court, told what charges are filed against him/her and asked to plead guilty, not guilty, or is given more time to think about how to plead. The accused is told about his/her constitutional rights and potential penalties if he/she pled guilty.

Bond: The amount of money in a criminal case that is posted to insure that the defendant follows conditions imposed and that s/he make all court appearances.

Burden of Proof: In a criminal case the state has the burden of proving its case beyond a reasonable doubt.

Continuance: One side or the other asks that a case be postponed.

Conviction: A judge or jury decides that an offender is guilty of a criminal offense as charged.

Defendant: The person accused of a criminal offense.

Deferred Imposition of Sentence: The offender enters a plea of guilty to a criminal charge and agrees to certain conditions and/or penalties for a period of time. If the offender does all that he or she is supposed to do during that time period and does not commit additional offenses, they can honestly state that they have not been convicted of that crime. If the offender does not complete the deferred time period successfully, the deferred can be revoked and sentence imposed up to the maximum.

Deferred Prosecution Agreement: This is an agreement between the prosecution and the defendant that the defendant will follow certain conditions for an agreed upon period of time. If the offender successfully completes that time period, the charges are dismissed. It differs from a deferred imposition of sentence because the defendant never enters a plea of guilty.

Felony: A criminal case that can carry more than \$1,000 in fines and more than one year in jail or prison.

Jury Trial: A trial conducted before citizens. Misdemeanor trials have 6 jurors, felony trials have 12 jurors.

Misdemeanor: An offense that carries up to one year in jail.

Motion to Exclude: Either party to a lawsuit can make a motion to exclude all witnesses from the hearing unless they are currently testifying. This motion is made often. The purpose of the motion is to make sure that everyone testifies from his/her own memory.

No Bail Offense: Stalking and any assault on a partner or family member are no bail offenses. That means that the offender cannot be released from jail on bail until they appear before a judge.

Omnibus Hearing: A hearing conducted before the trial to decide what, if anything the parties agree on and what issues will be decided at the trial. The attorneys need to be present. This is also called “housekeeping” or “omni.”

Order of Protection: A civil paper that orders the respondent to limit or end contact with the petitioner. It is effective as soon as it is served. Violation of this civil court order will result in a criminal offense.

Partner or Family Member Assault: This offense is committed when a partner or family member purposely, knowingly or negligently causes bodily injury, or reasonable apprehension of bodily injury, to a partner or family member. The first two convictions may be misdemeanors, the third would be a felony.

Preliminary Hearing: This happens in Justice Court and the case is then moved into District Court.

Restitution: An amount of money set by the court to be paid to the victim of a crime for property losses or injuries caused by the crime including counseling.

Revoke: When an offender does not follow the conditions of his/her sentence a revoke of the sentence may be ordered. The offender has a chance to admit or deny the allegations that he/she broke the conditions of sentencing.

Status Conference: This keeps the judge informed of the case and how it is proceeding.

Subpoena: A legal order which requires a person to appear in court to testify as a witness.

Suspended Sentence: The offender enters a plea of guilty to a criminal charge and is sentenced. The offender may remain out of jail as long as they abide by all conditions and/or penalties. The charge remains on the offender’s record.

Temporary Order of Protection: A temporary order of protection is a civil procedure that an individual can pursue if he/she has been the victim of a partner/family member assault, sexual assault, incest, sexual intercourse without consent or stalking. The temporary order lasts up to twenty days in which a hearing is held and the judge determines whether to continue the order or dismiss it.

Victims’ Rights: Victims of crime have certain rights. They have the right to notification of the criminal case, notification to employer regarding work absences, crime victim’s compensation, restitution and if necessary, sexual disease testing.