

GLOSSARY OF LEGAL TERMS¹

Adjourn: To postpone court until another time specified.

Answer: The formal written statement by a defendant in a civil case that responds to a complaint.

Arraign: Call an accused by name, reading to him the charges in the arrest documents, demanding of him whether he pleads guilty or not guilty or, in misdemeanors, nolo contendere, and entering his plea.

Bailiff: A court officer or attendant who has charge of a court session in the matter of keeping order, custody of the jury, and custody of the prisoners while in the court.

Barred: Same as banned.

Bench Trial: A trial without a jury, in which the judge serves as the fact-finder.

Burden of Proof: The duty to prove disputed facts. In civil cases, a plaintiff generally has the burden of proving his or her case. In criminal cases, the government has the burden of proving the defendant's guilt.

Charge: In a criminal case, the specific crime the defendant is accused of committing.

Civil Case: A case brought for determination, enforcement, or protection of a right, or redress; or prevention of a wrong; every action other than a criminal action.

Clerk of Court: The court officer who oversees administrative functions, especially managing the flow of cases through the court. The clerk's office is often called a court's central nervous system.

Closing Statement: The final statements by the attorneys to the jury or court summarizing the evidence that they think they have established and the evidence that they the other side has failed to establish. It is not evidence and may be limited in time by the court.

Commonwealth's Attorney: The name of the public officer who is elected in each city or county to conduct criminal prosecutions on behalf of the state.

Complaint: A written statement that begins a civil lawsuit, in which the plaintiff details the claims against the defendant.

¹ Sources include http://www.courts.state.va.us/courts/overview/glossary_of_court_terms.html#j (Virginia's Court System Glossary of Terms Commonly Used in Court); <http://www.uscourts.gov/Common/Glossary.aspx> (U.S. Court Glossary); http://www.pbs.org/beyondbrown/foreducators/ed_midhigh_glossary.html (PBS Glossary of Legal Terms for Middle and High School Students); Black's Law Dictionary; and Miriam Webster Dictionary

Confiscate: To take property.

Convict: To find a person guilty of a criminal charge.

Court: Government entity authorized to resolve legal disputes. Judges sometimes use "court" to refer to themselves in the third person, as in "the court has read the briefs."

Crime of Moral Turpitude: A crime that violates moral sentiment or accepted moral standards of community.

Criminal Case: A case brought for determining the guilty or innocence of a person charged with a crime.

Damages: Money awarded by the court to a person harmed by the unlawful or negligent act of another.

Defendant: In a civil case, the person or organization against whom the plaintiff brings suit. In a criminal case, the person accused of the crime.

Defense Attorney: Lawyer who appears on behalf of a defendant in a civil or criminal trial.

Discovery: Procedures used to obtain evidence before trial.

Dismissal With Prejudice: Court action that prevents an identical lawsuit from being filed later.

Dismissal Without Prejudice: Court action that allows the later filing.

Disposition: Determination of the final arrangement or settlement of a case following judgment.

Docket: A record of all cases and actions scheduled to be heard in court, whether or not the matter is actually heard in a court on a particular day.

Elements (of a Crime): Facts or circumstances that define a crime, each of which must be proven beyond a reasonable doubt in order to result in a conviction.

Evidence: Information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case in favor of one side or the other

Felony: A serious crime that is usually punishable by more than one year in prison.

Grand Jury: A special type of jury assembled to investigate whether criminal charges should be brought. Grand jury proceedings are supervised by circuit courts.

Guilty: Responsible for committing a criminal offense or a traffic infraction. The word used by an accused in pleading to the charges when he confesses to committing the crime of which he is charged. It is also used by the judge if he finds that the accused committed a criminal offense or a traffic infraction.

Hearsay: Evidence presented by a witness who did not see or hear the incident in question but heard about it from someone else. With some exceptions, hearsay generally is not admissible as evidence at trial.

Indictment: A formal accusation by a grand jury that charges a person with a crime. Indictments are used to bring more serious charges and are used in circuit court only.

Judge: An official of the judicial branch with authority to decide lawsuits brought before courts. Used generically, the term judge may also refer to all judicial officers, including Supreme Court justices.

Judgment: In a civil action it is the final decision by a court of the rights of the parties; in a criminal prosecution it is the determination of guilt (i.e., a conviction)

Jury: A body of persons selected from the community to hear evidence and decide a criminal or civil case. Juries are used only in circuit court.

Juvenile: A person under the age of 18.

Larceny: The unlawful taking and carrying away of property of another with intent to deprive the owner of it.

Legislature: The body of persons that makes laws for a state or nation.

Misdemeanor: A misdemeanor is any charge that carries a penalty of up to one year in jail or a fine of up to \$2,500, or both.

Nolle Prosequi (more commonly referred to as "Nolle Prossed"): A formal motion by the prosecuting officer in a criminal action, which states that he "will no further prosecute" the case.

Nolo Contendere: "I will not contest it". The name of a plea in a misdemeanor case or traffic infraction proceeding, having the same legal effect as a plea of guilty, so far as regards all proceedings in the case, and on which the defendant may be sentenced.

Not Guilty: A finding or verdict in a criminal case wherein the judge or jury determines that the state has not proven that the defendant is guilty of a charge. Also the plea that may be made by a defendant to assert that he or she is not guilty and to demand that the state prove its case.

Offender: Person implicated in the commission of a crime.

Opening Statement: Outline or summary of facts and nature of case and of anticipated proof presented by an attorney to jury or court at the start of trial, before any evidence is submitted. In a criminal case, it is an outline of facts which prosecution in good faith (an honest belief) expects to prove.

Parole: In criminal law, a conditional release. If prisoner makes good, he will receive an absolute discharge from balance of sentence, but, if he does not, he will be returned to serve unexpired time.

Penalty of Law: A punishment established by law or authority for a crime or offense.

Perjury: A criminal offense committed by giving a false statement given under oath.

Perpetrator: The person who actually commits a crime.

Petit Larceny: Larceny of things or goods whose value is below an amount set by statute.

Plea: Statement made by the defendant either as to his guilt or innocence to the charge made against him.

Presentence Report: A report prepared by a court's probation officer, after a person has been convicted of an offense, summarizing for the court the background information needed to determine the appropriate sentence.

Principal in the First Degree: A person who actually commits a crime.

Principal in the Second Degree: A person who is present at the commission of a criminal offense and aids the principal in the first degree in the commission of that offense; or when a person is physically absent but aids the principal in the first degree at the time of the offense from some distance (called "constructive presence").

Pro se: Representing oneself. Serving as one's own lawyer.

Probation: Allowing a person convicted of some offense to remain free under a suspension of a jail sentence during good behavior and generally under the supervision or guardianship of probation officer together with other restrictions as the court may impose.

Probation Officer: Officers of the probation office of a court. Probation officer duties include conducting presentence investigations, preparing presentence reports on convicted defendants, and supervising released defendants.

Prosecute: To charge someone with a crime.

Prosecutor: One who prosecutes another for a crime in the name of the government.

Reasonable Doubt: The degree of certainty beyond which the state must prove its accusations in order to obtain a criminal conviction. It is doubt that is based on reason and arising from the evidence or lack of evidence, and which might cause a reasonable man or woman might to hesitate before acting in matters of importance to themselves.

Rebuttal Evidence: Evidence given to explain or disprove facts given in evidence by the opposing party.

Restitution: The act of making good or giving equivalent for any loss, damage or injury.

Rests: When a party advises the court that he has produced all the evidence he intends to offer, and submits the case to the court.

Revocation: The withdrawal or cancellation of some power, authority, or thing granted.

Sentence: The judgment formally pronounced by the judge upon the defendant after his conviction in a criminal prosecution, setting the punishment for the offense.

Statute: A law passed by a legislature.

Suspended Sentence: Postponing the execution of the sentence upon certain conditions.

Verdict: The decision of a trial jury or a judge that determines the guilt or innocence of a criminal defendant, or that determines the final outcome of a civil case.

Voir dire: Jury selection process of questioning prospective jurors, to find out their qualifications and determine any basis for challenge.

Witness: One who testifies to what he has seen, heard or otherwise observed and who is not a party to the action.