

Words to Know

Here is a list of legal terms you may hear and what they mean:

- **Arraignment:** Usually, a criminal defendant's first appearance in court on a criminal charge.
- **Assault:** The act of attacking another person.
- **Bail (Bond):** Money or credit given to the court for the temporary release of a defendant awaiting trial.
- **Closing Statement:** Summaries by attorneys that seek to guide juries to interpret the evidence in favor of either defense or prosecution.
- **Complaint:** Formal accusation charging a person with a crime.
- **Continuance:** Postponement of a court hearing.
- **Cross Examination:** Questioning of a witness by the opposing attorney.
- **Defendant:** A person charged with a crime.
- **Disposition:** The final decision or judgment of the case.
- **Foreperson:** The leader chosen by the members of the jury.
- **Harvey Waiver:** Allows the court to consider dismissed charges during sentencing in a criminal case.
- **Objection:** Opposition by an attorney to something that has occurred, or is about to occur, in court. An objection requires an immediate ruling by the judge.
- **Opening Statement:** Statements made at the beginning of the trial by both attorneys that describe what they will try to prove and what evidence they expect to be introduced.
- **"Overruled":** Used by the Judge to reject an objection.
- **Plea Bargaining:** A negotiation between the prosecutor and the defense attorney that can result in guilty pleas from the defendant to less than the maximum set of charges and/or less than the maximum sentence.

- **Probation:** Provides for a convicted defendant to serve some of his sentences out of custody with specific conditions that must be followed. If the convicted person fails to successfully complete probation, they may be taken back into custody for the full duration of the sentence.
- **Sentence:** Specific consequences (jail, prison, restitution, treatment, etc.) given to someone responsible for a crime.
- **Subpoena:** A court order that requires a person to appear in court.
- **"Sustained":** Used by the Judge to rule in favor of an objection.
- **Testimony:** Statement made in Court after a person takes an oath to tell the truth.
- **Verdict:** A guilty or not guilty decision made by the jury (or in trials without a jury, by the judge).

Who's who?

- **Bailiff:** A law enforcement officer assigned to keep order in the courtroom.
- **Clerk:** The person who assists the judge helps set up the schedule of cases and administers the oath to all witnesses.
- **Court Reporter:** The person who records everything said by the judge, lawyers, and witnesses. The record is called a transcript.
- **Defense Attorney:** The defendant's lawyer who is hired by the defendant or appointed by the judge. The defense attorney's job is to defend the accused, including asking questions of the witnesses and presenting evidence for the defendant.
- **Investigator:** A person who investigates the facts of a case on behalf of either the Prosecutor or the Defense Attorney.
- **Judge:** During a trial, the judge: 1) presides over the trial and maintains order; 2) determines whether any of the evidence that the parties seek to use is illegal or improper; 3) gives the jury instructions about the law that applies to the case and the standards it must use in deciding the case; 4) in trials without juries, determines the facts and decides the case; and 5) sentences convicted criminal defendants. Outside of trials, judges set bail and may control contact among participants in a case using restraining orders.

- **Jury:** Twelve people who decide whether the defendant is guilty or not. Some cases may include selection of alternate jurors who participate only if one of the original jurors cannot complete the process.
- **Prosecutor:** An attorney who presents the evidence of the case on behalf of the People of the State. The prosecutor's role includes presenting witnesses and evidence to reach a just outcome. The prosecutor does not work for and is not hired by the victim, but the prosecutor does protect victims' rights, as required by law. Victims' rights include: the right to be informed about any public court hearings and any plea discussions, and the right to be heard by the Court before bail is set and before the defendant is released or sentenced.
- **Witness:** You, or anyone else who takes an oath and testifies in court.