

REENTRY: Glossary of Terms

Acquittal

A legal judgment, based on the decision of either a jury or a judge, that an accused is not guilty of the crime for which he or she has been charged and tried.

Adjudication

The judicial decision that ends a criminal proceeding by a judgment of acquittal, conviction, or dismissal of the case.

Appeal

Following a conviction, the offender may appeal the judgment of conviction to the state appellate with jurisdiction over the case.

Arraignment

The first appearance before the court by a person charged, at which time he or she is advised of the pending charges, the right to counsel, and the right to trial by jury.

Arrest warrant

An order made on behalf of the state, based on a complaint, and signed by a judge authorizing police to arrest a person thought to have committed a crime. A person arrested on a warrant stays in jail until bail is posted or until released by order of the court.

Bail

Money or property promised or given to the court as security when a defendant is released before and during his or her trial with the agreement that he or she will return to court when ordered to do so. The court sets the bail amount or value depending on several factors, including seriousness of the charges and the likelihood that the defendant will attempt to flee prior to the required court appearances. Bail is forfeited to the court if the defendant fails to return to court.

Beyond a Reasonable Doubt

The degree of proof needed for a judge or jury to convict an accused person of a crime.

Burden of Proof

In the criminal context, the State carries the burden of establishing beyond a reasonable doubt that the accused committed the offense for which he or she is charged.

Charge

A formal accusation filed by the prosecutor's office that a specific person has committed a specific crime; also referred to as "pressing charges."

Complaint

A preliminary charge made by the state that a person has committed a specified offense.

Concurrent Sentences

Running together -- concurrent sentences run, or are served, at the same time.

Consecutive Sentences

Sentences run one after the other.

Continuance

A delay or postponement of a court hearing; the case is said to be "continued" when it has been delayed or postponed. A case can be continued for good cause, such as illness or witness unavailability, or by agreement of the parties.

Conviction

A judgment of the court, based either on the decision of a jury or judge that the defendant is guilty of the crime for which he or she was tried.

Crime

A violation of the law.

Defendant

A person who has been formally charged with committing a specific crime.

Defense Attorney

The lawyer who represents the defendant in a legal proceeding.

Deposition

Sworn testimony of a witness taken outside of court in the presence of the attorneys for the defense and prosecution. A deposition can be used at trial to impeach or discredit a witness's testimony or can be read to a jury if the witness is unavailable.

Dismissal

A decision by a judicial officer to end a case for legal or other reasons.

Disposition

The final decision which ends a criminal proceeding by judgment of acquittal or dismissal or which sets the sentence if the defendant has previously been convicted.

Felony

A serious crime punishable by more than one year in prison.

Grand Jury

A body of persons, selected and convened upon order of a judge, to inquire into and return indictments for crimes. The grand jury has the power to request that the circuit clerk issue subpoenas to bring people testify before it.

Habeas Corpus - federal

Refers to a proceeding wherein a prisoner challenges the lawfulness of his or her imprisonment. An action by way of writ of habeas corpus does not function to determine the prisoner's guilt or innocence. When the proceeding is brought by a state inmate, review extends to the constitutionality of the imprisonment.

Hearing

A legal proceeding in which arguments, witnesses, and/or evidence are heard by a judicial officer or administrative body.

Hearsay

Testimony of an individual that is not from his or her personal knowledge, but from what the witness has heard another person say.

Implied Consent

If one is granted the privilege of possessing a driver's license, one has automatically given "implied consent" to submit to alcohol or drug testing. I

Indictment

Formal charging document presented by the prosecuting attorney to a grand jury. The grand jury may then issue the indictment if it believes that the accusation, if proved, would lead to a conviction.

Information

Formal charging document issued by a prosecuting attorney (with no grand jury involvement).

Infraction

A violation of a statute in which the only punishment authorized is a fine and which is expressly designated as an infraction.

Jail

Local facility where persons in lawful custody are held; defendants awaiting trial and defendants convicted of minor crimes usually are held in jail, as opposed to prison.

Judicial Officer or Judge

An officer of the court who determines causes between parties or renders decisions in a judicial capacity. The judge generally decides questions of law, except in the case where a jury-trial is waived, the court also then functions as a fact-finder.

Misdemeanor

A crime that is less serious than a felony and for which the punishment is usually imprisonment for one year or less, usually in a jail or other local facility, and/or a fine.

Nolle Prosequi

Voluntary dismissal of criminal charges by the state.

Parole

Release of a prisoner from imprisonment, but not from legal custody.

Personal Recognizance

The promise of an accused person to the court that he or she will return to court when ordered to do so. The promise is given in exchange for release before and/or during his or her trial.

Plea

A defendant's formal answer in court to the charge(s) that he or she is accused of committing.

Plea Agreement / Plea Negotiation

An agreement between the State and defendant wherein the defendant agrees to plead guilty under certain terms and conditions. Since both the State and the defendant risk losing should the case go to trial, plea agreements are a means of arriving at a reasonable disposition without the necessity of going to trial..

Plea of Guilty

Admission of guilt in open court.

Postconviction Proceedings

Following conviction and direct appellate review, many states provide for procedures for postconviction review. Typically the grounds for relief under these proceedings are both limited and different from those on appeal from a conviction.

Preliminary Hearing

The hearing for a person charged with a felony before an associate circuit judge, wherein the State must establish that there is probable cause to believe that the accused committed the specific crime charged, and which may require witness testimony.

Pre-Sentence Investigation (PSI)

The PSI is usually conducted by a probation officer after a plea or verdict of guilty. Done before sentencing to enable the judge to learn more about the defendant so that he or she is better able to impose a proper sentence. The PSI includes information about the defendant's criminal history and personal background. The individual conducting the PSI will contact the victim(s) of the crime to determine how he or she has been impacted by the defendant's actions.

Prison

State facilities where persons convicted of the commission of a felony are held.

Pro Se

When the defendant is not represented by counsel, as he or she has waived the right to counsel in a criminal proceeding, or is otherwise not represented in a civil proceeding.

Probable Cause

Degree of proof needed to arrest.

Probation

Conditional freedom granted to an offender by the court after conviction or a guilty plea with requirements for the offender's behavior, and which any violation of such requirements may result in revocation of the probation. Supervision is usually by a probation officer.

Prosecutor

A lawyer employed by the government to represent the general public's interests in court proceedings against people accused of committing crimes.

Public Defender

An attorney that is employed by a government agency to represent defendants who are unable to hire private counsel.

Restitution

Payment made by a defendant to the victim as reimbursement for monetary losses incurred as a result of the crime. Restitution may be ordered by the court as part of a sentence.

Subpoena

A court order requiring a person to appear in court on a specified day and time to give testimony. May also include an order to produce documents or records. Failure to appear constitutes contempt of court.

Summons

Court order used to bring a person accused of a minor crime to court.

Suspended Execution of Sentence (SES)

Disposition of the criminal case where the defendant is actually sentenced to a specific period of incarceration, but is placed on probation without having to serve that sentence if the conditions of probation are met.

Suspended Imposition of Sentence (SIS)

Disposition of a criminal case where the defendant is placed on probation without an actual sentence or period of incarceration being imposed. The defendant may be later sentenced and incarcerated if the conditions of probation are not successfully met.

Victim Impact Statement

A statement given by the victim(s) which details how the crime has affected him or her, and in noncapital cases, what sentence the victim believes would be appropriate. The statement is the only time that a victim will have to address the judge, who imposes the sentence on the accused. The statement is given to the prosecuting attorney, who forwards it to the judge after a verdict is reached and prior to sentencing.

Voir Dire

Procedure in which the prosecutor and defense attorney question prospective jurors to pick a jury.



This glossary of terms was provided, with permission, by:
Missouri Victim Assistance Network
P.O. Box 2232
Jefferson City, MO 65102
1-800-698-9199
www.mova.missouri.org