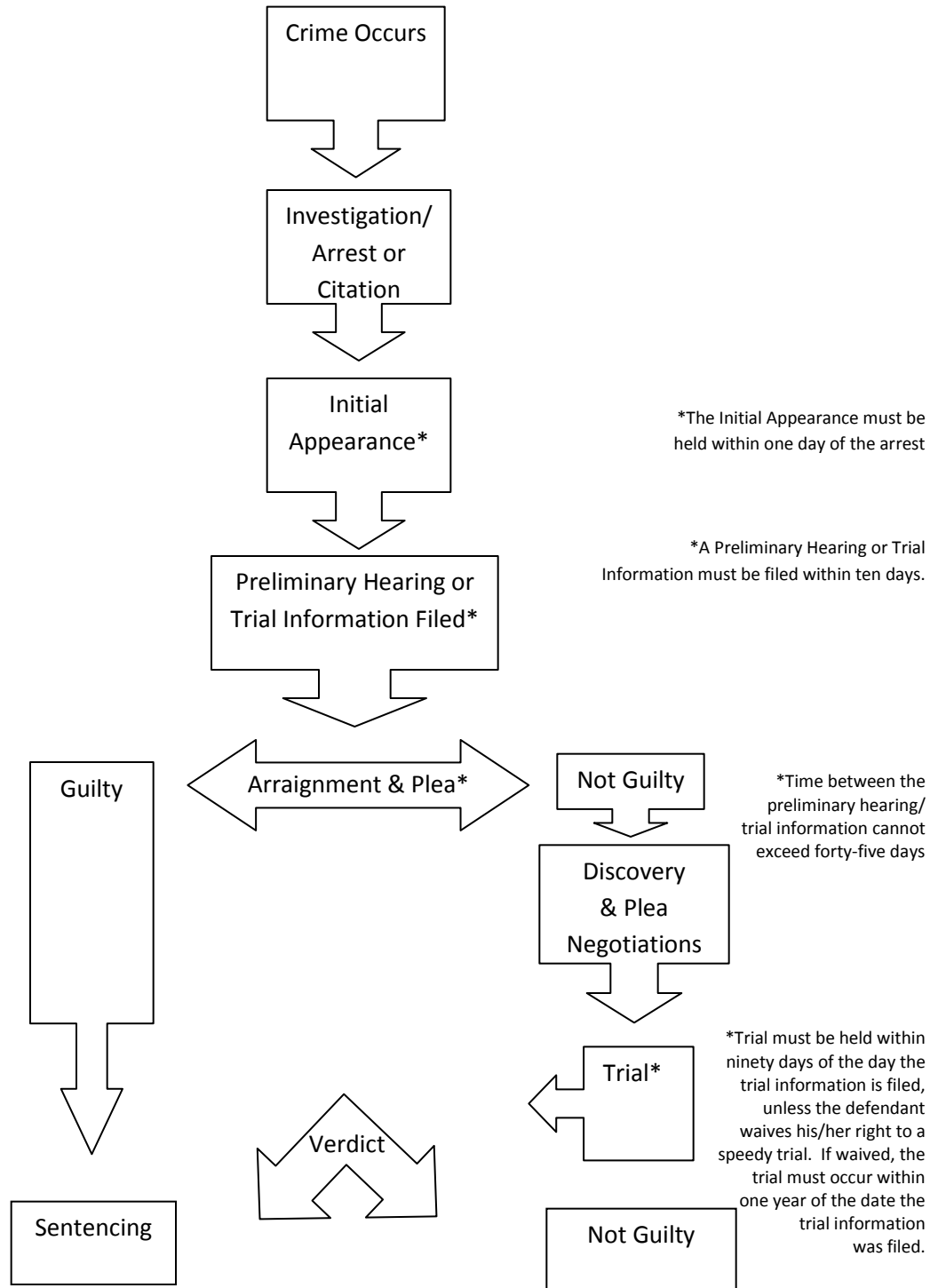


Basis Steps of the Criminal Justice System



Legal Terms

Arraignment: The initial appearance before a judge in a criminal case. At an arraignment, the charges against the defendant are read, a lawyer is appointed if the defendant cannot afford one, and the defendant's plea is entered. This may also be accomplished by written arraignment. If this occurs, the defendant may not appear in court.

Arrest: To hold a suspected criminal with legal authority, as by a law enforcement officer. An arrest may be made legally based on a warrant issued by a court after receiving a sworn statement of probable cause to believe there has been a crime committed by this person, for an apparent crime committed in the presence of the arresting officer, or upon probable cause to believe a crime has been committed by that person. Once the arrest has been made, the officer will either cite the person to appear in court or bring him/her in to jail. A person arrested must be brought before a judge for an initial appearance.

Citation: A notice to appear in court. Failure to appear can result in a warrant for arrest.

Deposition: The taking and recording of testimony of a witness under oath before a court reporter in a place outside the courtroom before trial. The testimony is taken down by the court reporter, who will prepare a transcript if requested and paid for, which assists in trial preparation and can be used in trial either to contradict (impeach) or refresh the memory of the witness.

Discovery: Part of the pre-trial litigation process during which each party requests relevant information and documents from the other side in an attempt to "discover" pertinent facts. Generally discovery devices include depositions, interrogatories, document production requests and requests for inspection.

Grand Jury: A body of persons chosen randomly and sworn to inquire into a matter of fact, and to declare the truth upon such evidence as is presented before them by a prosecutor. There are different types of juries, and grand juries do not decide whether a person is guilty or not, they only decide whether a person should stand trial. This process only occurs if a prosecutor is questioning if sufficient evidence exists to bring formal charges.

Initial Appearance: the accused is informed of the charges, advised of the right to counsel, and advised of how to seek release on bail.

Jury: A group of citizens called to hear a trial of a criminal prosecution.

Own recognizance (O.R.): The basis for a judge allowing a person accused of a crime to be free while awaiting trial, without posting bail, on the defendant's own promise to appear and his/her reputation. The judge may consider the seriousness of the crime charged, the likelihood the defendant will always appear, the length of time the person has lived in the area, his/her reputation in the community, his/her employment, financial burdens, and the demeanor of the accused. In minor crimes, traffic offenses, and technical law violations such as leaky septic systems, judges routinely grant release on one's own recognizance.

Plea: The response by an accused defendant to each charge of the commission of a crime.

Preliminary Hearing: A hearing to determine if a person charged should be tried for the crime charged, based on whether there is substantial evidence that he/she committed the crime.

Pre Sentence Investigation: A legal term referring to the investigation into the history of person convicted of a crime before sentencing to determine if there are extenuating circumstances which should upgrade the sentence or a history of criminal behavior to increase the harshness of the sentence.

Pretrial Conference: A hearing or meeting held between the County Attorney and defense attorney. The meeting may or may not occur in a Courtroom, and may or may not include the Judge playing an active role. Primarily, the meeting is designed to allow the legal parties a time to discuss the case and alert the Court to any issues that will need judicial intervention.

Probable Cause: A standard by which an officer or agent of the law has the grounds to make an arrest, to conduct a personal or property search, or to obtain a warrant for arrest, etc. when criminal charges are being considered. It is also used to refer to the standard to which a grand jury believes that a crime has been committed.

Sentencing: The punishment given to a person convicted of a crime. A sentence is ordered by the judge, based on the verdict of the jury or the judge's decision if there is no jury, within the possible punishments set by state law.

Speedy Trial: The right to a speedy trial, guaranteed by the Sixth Amendment, is intended to ensure that defendants are not subjected to unreasonably lengthy incarceration prior to a fair trial.

Subpoena: A written legal notice compelling a person to appear in court to testify as a witness. *Subpoena duces tecum* is a notice to compel a person to appear and bring specified documents, records, or items.

Trial: The examination of facts and law presided over by a judge, often including a jury.

Trial Information: A formal document filed by the State outlining the State's case against the defendant.

Verdict: The decision of a jury after a trial, which must be accepted by the trial judge to be final.

Victim Impact Statement: A written or oral statement made as part of the judicial legal process, which allows a victim of crime the opportunity to speak during the sentencing of the defendant or at subsequent parole hearings.

Warrant: A Judge's order to law enforcement officers to arrest and bring to jail a person charged with a crime. The warrant is issued upon a sworn declaration by the County Attorney, a police officer or an alleged victim that the accused person committed a crime.