

# COMMON LEGAL TERMS IN THE CRIMINAL JUSTICE SYSTEM

**Acquit:** When a judge or jury decides an accused person is “not guilty” of a crime.

**Alimony:** Money or other financial support awarded to a spouse in a divorce action for their separate support. It is usually awarded only where one spouse has been dependent on the other or has less earning power than the other and for a temporary period of time. Also called spousal support or maintenance.

**Appeal:** The process of going to a higher court to review the decision of a lower court.

**Arraignment:** The initial court proceeding, in which the state formally charges the defendant with a crime, and in which the defendant usually pleads “guilty” or “not guilty.”

**Arrest:** The initial step in the criminal justice process, in which the state deprives a suspect of their freedom due to alleged violations of criminal law.

**Asylum:** The granting of protection against return to a home country to a refugee; can lead to lawful permanent resident status and eventually to citizenship.

**Bail:** Money or other security provided by the defendant, or by others on their behalf, to assure that they will appear in court at the required stages of the trial process.

**Bench warrant:** A warrant that a judge issues for someone’s arrest. A judge may issue a bench warrant when someone does not obey a court order or fails to come to a court hearing that they were ordered to attend.

**Child Custody Order:** An order of the Court specifying the custody and visitation arrangements concerning a minor child.

**Contempt of court:** Committed by a person who intentionally disobeys a court order, acts in a way that does not respect the authority and dignity of the court, or fails to follow a court order.

**Continuance or Continued:** The rescheduling of a court hearing, these are not guaranteed to be granted by the judge.

**Court:** Place where civil and criminal trials are held.

**Criminal case:** A legal proceeding brought by the state, county, or city against someone, charging the person with a crime.

**Damages:** An award of money given to the winning party in a lawsuit. Damages incurred could include lost wages or hospital bills. Damages may also include emotional or psychological harm. Punitive damages are meant to punish the wrongful party for their willful improper action.

**Defendant:** Person with charges or a lawsuit against them. This term is used in both criminal and civil cases. (The defendant is also sometimes called the “respondent.”)

**District attorney:** The attorney(s) employed by the state to prosecute people for state criminal offenses. Also known as prosecutors, they represent the state. A city government may also have attorneys assigned to prosecute city charges. These people function like district attorneys on a local level.

**Ex parte:** A Latin phrase meaning “on one side only.” A judicial proceeding or order is said to be “ex parte” when it is taken or granted for the benefit of one party only, and without notice to any other person adversely affected. For example, you might have an “ex parte” order to adjust specifics on a protection order. If the protection order was granted, but maybe an address needs to be updated, or there was a misspelling, the applicant can file an ‘ex parte’ to fix the issues on a granted protection order without a full hearing.

**Extended Protection order (EPO):** This is a protection order that is extended for up to two years beyond the 45 days given by a temporary protective order (TPO). This extension can be requested with the original application for a TPO.

The adverse party and the applicant will both have to go to a hearing where the judge can ask both parties questions. At the hearing, the judge will decide whether to extend the order and for how long to grant the extension.

**Felony:** A serious criminal offense such as murder, for which the sentence can include imprisonment for more than a year.

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**Gaurdian ad litem:** The person assigned by the Court to represent the interests of a minor child or incompetent person in legal proceedings - the term “ad litem” is a Latin phrase meaning “for the purpose of legal action.”

**Hearing:** A court proceeding when a judge listens to information to make a decision.

**Judge:** The person who is appointed to decide cases and to make sure that legal procedures are followed in the courtroom.

**Jurisdiction:** A court’s authority (power) to listen to and decide cases. Each Court has the authority to hear certain cases. State and federal laws determine which subjects courts may decide and whether the Court’s decision will be binding on someone who lives in another state.

**Jury:** A group of people who determine the guilt or non-guilt of the defendant or, in a civil case, who decide which party wins the lawsuit. The lawyers screen the jury to make sure the people on it are neutral (impartial).

**Misdemeanor:** Considered to be a “lesser offense” than a felony and that can lead to imprisonment for up to one year.

**Offender:** a person, carrying out domestic violence behaviors can also be referred to as the perpetrator, abuser, or batterer.

**Petitioner:** Someone who presents a petition to a court or other official body. In many civil cases (such as protection order proceedings), the party who files the petition is referred to as the petitioner. Sometimes referred to as the applicant.

**Plaintiff:** A person who brings a case against another person in a court of law.

**Pre-trial:** A hearing date when the prosecutor and defense attorney meet to discuss the facts of the case.

**Probation officer:** an officer appointed to investigate, report on, and supervise the conduct of convicted offenders on probation

**Prosecutor:** An attorney who represents the state on behalf of the victim of a crime. The prosecutor tries to present evidence to prove beyond a reasonable doubt that the defendant committed the crime as charged. Prosecutors are assigned to criminal cases and not civil ones.

**Public defender:** An attorney appointed by the court for the legal defense of someone charged with a crime who is unable to afford or obtain legal assistance. The public defender is paid by the state, not by the person being represented (the client).

**Respondent:** The party against whom a petition or motion is filed. In many civil cases (such as protection order proceedings), the party against whom the case is brought is referred to as the respondent. Sometimes referred to as the adverse party.

**Sentencing:** A hearing where the punishment or penalty for the defendant is decided by the judge.

**Subpoena:** An order of the court that commands a witness to appear at a certain time and place to give testimony about a specific matter or commands a person/organization to provide specific documents. Any person who fails to comply with the subpoena may be held in contempt of court.

**Temporary Protection Order (TPO):** Usually issued for up to 45 days. The judge can issue a TPO without notifying the other party first. You must fill out an application, and the judge might want you to come to a hearing if the judge has questions. If approved, the Sheriff will serve the other person with the TPO.

**Testimony:** Statements given by a witness, under oath, in court.

**Trial:** A hearing in court to decide the outcome of the case after evidence and witness testimony is presented.