

Legal Definitions

APPEAL: defendant's formal request to a higher Court for review of a lower Court's decision in order to determine if all the defendant's rights were observed and that the law was followed

ARRAIGNMENT: initial hearing in which the defendant is informed of the charges being brought against him/ her, and enters a plea to the Court.

ARREST WARRANT: a written order issued by the Court, based on a criminal complaint, that commands law enforcement to arrest and bring a defendant before the Court.

BOND/BAIL: the amount of money the Court decides a defendant must pay in order to be released from custody to ensure his/her appearance at the next court hearing.

DEFENDANT: a person that has been formally accused of committing a criminal offense.

DISCOVERY: the evidence that the defendant and the State exchange with each other and intend to present at trial.

GUILTY: either a plea that is entered by the defendant when he/she admits to committing the crime or the verdict determined by a judge or jury showing that the State had proven beyond a reasonable doubt that the defendant committed the crime.

LONG FORM SUBMITTAL: request for criminal complaint(s) the Police Department submits to the Prosecutor's Office for review and charging.

MISDEMEANOR: a criminal charge that can be punishable by a fine and/or carries a maximum incarceration of six months in the county jail.

MOTION: a request by the State or defendant for the Court to take a specific action on a case.

NO CONTEST PLEA: a plea entered in which the defendant neither admits guilt nor disputes the facts pre-sent by the State. It has the same legal effect as a guilty plea.

NOT GUILTY: a plea entered by the defendant in which he/she denies committing the crime alleged.

PLEA AGREEMENT: A mutual agreement between the defendant and the state for the defendant to plead guilty or no contest, eliminating the need for a trial.

PRE-TRIAL CONFERENCE: a hearing for the defendant and the State to discuss possible resolutions of the case, file motions with the Court, request discovery, etc.

PROBABLE CAUSE: the level of proof that the State must overcome in order to file criminal charges against a defendant.

PROSECUTOR: the attorney representing the State in a criminal matter.

RESTITUTION: amount of money that the defendant is ordered to pay to victim(s) as a result of his/her crime.

SENTENCE: the punishment for a defendant that has been found guilty (or pleads no contest), to a criminal offense.

SUBPOENA: a written order issued to a witness that requires his/her presence to give testimony to the Court.

TRIAL: a proceeding where a judge or jury hears facts and makes a determination of a defendant's guilty.

VICTIM: a person against whom the criminal offense has been committed, including a minor, or if the person is killed or incapacitated, the person's spouse, parent, child, grandparent or sibling, any other person related to the person by consanguinity or affinity to the second degree or any other lawful representative of the person, except if the person or the person's spouse, parent, child, grandparent, sibling, other person related to the person by consanguinity or affinity to the second degree or other lawful representative is in custody for an offense or is the accused.