

GLOSSARY

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Abolitionist	A person who wanted to abolish slavery, to free all slaves immediately.
Action, Case, Suit, Lawsuit	A legal dispute brought into court for trial.
Adjudicate	To determine the guilt or innocence of a person in court.
Adversary System	The system of trial practice in the United States in which each of the opposing parties has full opportunity to present and establish his/her opposing contentions before the court.
Affidavit	A written and sworn statement witnessed by a notary public or another official possessing the authority to administer oaths.
Alibi	An excuse or plea that a person was somewhere else at the time a crime was committed.
Amicus Curiae	A friend of the Court; also a person who has no right to appear in a suit but is allowed to introduce argument, authority or evidence to protect his/her interest.
Appeal	The bringing of a case to a higher court for rehearing.
Appellate Court	A court which hears appeals from a lower court.
Arraignment	In a misdemeanor case, the initial appearance before a judge at which the defendant is told his/her rights, given a lawyer and enters his/her plea; in a felony case, the proceedings after the indictment at which the defendant comes before a judge, has the charge read to him/her and a date is set for his/her preliminary hearing.
Arrest	To deprive a person of his/her liberty by a legal authority.
Attorney, Lawyer	A person who has been trained and licensed to represent others in legal matters.
Bail	A sum of money posted by a defendant to guarantee his/her appearance in court after being released from jail.

Bailiff	A court official whose duties are to keep order in the courtroom, is in charge of the jury and secretary to the judge.
Bench Trial	Trial without a jury in which the judge decides the case.
Bench Warrant	An order of the court to appear immediately when a defendant fails to appear in court.
Beyond a Reasonable Doubt	Entirely convinced; in a criminal case the defendant's guilt must be proven to the jury to this extent.
Bill of Rights	The first ten amendments to the U.S. Constitution. They guarantee the rights of the individuals.
Brief	A lawyer's written statement of his/her client's case.
Burden of Proof	In criminal cases, the prosecution must prove his/her case "beyond a reasonable doubt." In civil cases, the plaintiff must prove his/her case with a "preponderance of evidence."
Compact	An agreement, a contract.
Case Law (Common Law)	The law made by courts instead of legislatures.
Certification	A court order stipulating that a juvenile must stand trial as an adult for an alleged offense.
Change of Venue	Properly speaking, the removal of a suit begun in one county or district to another county or district for trial, though the term is sometimes applied to the removal of a suit from one court to another court of the same county or district.
Charge	The statement accusing a person of committing a crime.
Chattels	An article of personal movable property, a slave.
Civil Law	Covers the ordinary relationships between people as distinguished from criminal law, which deals with crimes.
Continuance	Order of court postponing proceedings.

Contract	A legal enforceable agreement between two parties; each promises to do certain things.
Conviction	In a criminal case, finding that the defendant is guilty.
Corroboration	Confirmation or support of the story of a witness or victim.
County Attorney	A lawyer employed by the government to prosecute criminal cases; also referred to as a prosecutor.
Court	Place where judges hear lawsuits, where lawyers represent each side and witnesses give testimony for the jury to reach a verdict and the judge to make a judgment.
Criminal Law	The law which covers acts defined as “crimes” because they can be serious dangers to society.
Cross-Examination	The questioning of a witness by the lawyer for the opposing side.
Custody	<ul style="list-style-type: none"> a. The act or right of caring for or guarding, especially when granted by a court. b. The state of being detained or held under guard, especially by the police.
Damages	Money that a court orders paid to a person or party (usually the plaintiff) who has suffered a loss by another person or party who caused the loss (usually the defendant).
Defendant	The accused in a criminal case; the person from whom money or other recovery is sought in a civil case.
Defense Attorney	The lawyer who defends the defendant or the accused person.
Deliberation	The deciding of “guilty” or “not guilty” in private by the jury after the evidence has been given and the witnesses have been examined.
Delinquency	An action or conduct, especially by juveniles which is in violation of the law.
Deposition	The written testimony of a witness taken under oath outside of court.
Direct Examination	The first interrogation or examination of a witness, on the merits, by the party on whose behalf he is called.

Discrimination	Action on the basis of prejudice.
Due Process of Law	A manner or proceeding in judicial or other governmental activity that protects the rights of the individual and provides fundamental fairness.
Eminent Domain	The power of the state to take private property for public use.
Establishment Clause	The part of the First Amendment that prevents the federal government from establishing or subsidizing a specific church or religion generally.
Evidence	Any species of proof, legally presented at the trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, concrete objects, etc., for the purpose of inducing belief in the minds of the court or jury.
Exclusionary Rule	Evidence which has been obtained illegally cannot be used in a criminal trial against a defendant.
Exhibits	Objects presented in court to prove the facts of a case.
Extradition	The surrender by one state to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other, which being competent to try and punish him, demands the surrender.
Felony	Each state will have its own definition of a felony. In Utah, felony is dependent upon the degree of the crime committed. A felony is a major crime usually punishable by a fine and/or period of confinement in a state correctional institution. Example of felonies are: assault with a deadly weapon, burglary, rape, grand larceny, murder, and possession of a controlled substance with intent to sell.
Fine	A sum of money paid as part of a penalty of conviction for a particular offense.
Free Exercise Clause	The part of the First Amendment that protects individuals' right to practice religion and/or worship God free from state interference.
Grand Jury	Twelve to twenty-three citizens who hear evidence to decide whether a defendant should be held for a felony trial.

Guilty	The state of having committed the crime. The defendant can enter a plea of “guilty” or the judge or jury can give a verdict of “guilty.”
Habeas Corpus	Latin phrase meaning “you have the body;” in criminal cases it refers to a court order to have a prisoner released if he/she is being held illegally.
Hearing	<ul style="list-style-type: none"> a. A session for listening to testimony, arguments, etc. b. (School) A meeting between the student, his or her parents and a hearing officer.
Hung Jury	One unable to reach a verdict as required by law.
Incarceration	Imprisonment; confinement in a jail or penitentiary.
In Contempt of Court	To cause an act which is calculated to embarrass, hinder, or obstruct court administration of justice i.e., to refuse to obey an order of the court, or show disrespect to the judge or jury.
Incriminate	Involve or make to appear guilty of a crime.
Indentured Servant	A colonist who contracted to work for another colonist for a certain period of time in return for payment of passage to America.
Indictment	An accusation made by a Grand Jury that the accused has violated a law (used only with felonies).
Information (Complaint)	The first paper filed in a lawsuit which states the wrong done to the plaintiff by the defendant and a request for a remedy by the court.
Infraction	A breach, violation or infringement of a minor law; most commonly used in traffic laws. (Exceptions are D.U.I., reckless driving, hit and run, etc.)
Injunction	A court order forbidding a certain action.
Innocent	Not guilty.
Jail	A prison; a building designated by law, or regularly used, for the confinement or persons held in lawful custody.
Jim Crow Laws	Laws passed in the 1890's, primarily in the South, to continue discrimination against blacks.

Judge	A person appointed or elected to hear and decide question of law in court cases, and to make certain that fair procedures are used.
Judgment	The official decision of a court.
Jurisdiction	The legal authority of a court to hear a case or conduct other proceedings; power of the court over person and subject matter.
Jury	A group of people chosen by law and satisfactory to both sides of a lawsuit, to decide facts about the case.
Jury Trial	Trial whereby a group of citizens listens to the evidence presented in court and gives its verdict.
Larceny	Fraudulent taking and carrying away of a thing without claim of right, with intention of converting it to a use other than that of the owner, without his/her consent.
Law and Motion	A setting before the judge at which time a variety of motions or pleas of legal technicality or requests for certain changes may be requested. The judge interprets the law with regard to the motions. Normally, evidence is not taken. The presence of the plaintiff and defendant is not required.
Liability	A legal responsibility, obligation, or debt.
Libel	To defame or injure a person's reputation by a published writing.
Litigate	To dispute or contend in form of law; to carry on a suit.
Manslaughter	The unlawful killing of another human being without express or implied malice.
Misdemeanor	A crime less serious than a felony, punishable by a prison sentence of one year or less.
Mistrial	A trial which is void because of some error.
Motion	A request presented to the court in legal form.
Naturalization	The act of adopting a foreign person and giving him/her the privileges of a natural citizen.

Nolo Contendere	Latin phrase meaning “I will not contest it;” a plea in a criminal case which has a similar legal effect as pleading guilty, except that the defense does not actually admit having committed the crime. (“No Contest.”)
Oath	The swearing before the court that you will tell the truth or decide the case fairly. Witnesses and jurors take oaths.
Objection	To reject as invalid--used by the judge to indicate lack of agreement with a
Overruled	lawyer’s motion or request.
Objection Sustained	Support or agree with--used by the judge to indicate agreement with a lawyer’s motion or request.
Offense	An act committed in violation of a law.
Parliament	A law-making body of a nation, especially Great Britain.
Parole	Release from prison before the full sentence has been served; granted at the discretion of a parole board.
Perjury	Lying while under oath.
Plaintiff	The person or party who files a complaint and brings legal action against another person or party.
Plea	The defendant’s response to a criminal charge (guilty, not guilty, or nolo contendere).
Plea Bargaining	Negotiations between a defense attorney and prosecutor in which a guilty plea is exchanged either for a lesser charge or a lesser sentence.
Precedent	A rule of law established by the court for a particular issue in a case or type of case.
Prejudicial	Evidence which might unfairly sway the judge or jury to one side or the other.
Preliminary Hearing	An information hearing in court which screens felony cases by deciding whether or not there is enough evidence to warrant a trial. The defendant may waive this hearing. If sufficient evidence is determined at the hearing by the judge, the defendant is “bound over” for trial.
Probable Cause	Reasonable grounds for belief that a person should be arrested or

searched.

Prosecutor	The name of the public officer who is appointed in each county to conduct criminal prosecutions on behalf of the state or people.
Public Defender	Lawyers regularly employed by the government to represent people accused of crimes who cannot afford to hire their own lawyers.
Search Warrant	An order in writing, issued by a justice or other magistrate, in the name of the state, directed to a sheriff, constable or other officer commanding him/her to search a specified area, for persons or property alleged to have been stolen, or for unlawful goods.
Seditious Libel	A written or printed document containing seditious matter or published with a seditious intention. "Seditious" means encouraging incitement or resistance to or insurrection against lawful authority.
Sentence	<p>The judgment formally pronounced by the court or judge upon the defendant after his/her conviction in a criminal prosecution, commanding the punishment to be inflicted.</p> <ol style="list-style-type: none">1. Civil: In civil cases, the terms, judgment, decision, award, finding, etc., are used.2. Suspended: Postponing of the execution of the sentence after it has been pronounced upon certain conditions.3. Deferred: Postponing of the execution of the sentence of deferred finding for a period of time upon certain conditions. Does not operate as a suspension of sentence.
"Separate but Equal" Doctrine	A doctrine established by the case <i>Plessy v. Ferguson</i> in 1896. If facilities (educational, public, etc.) were essentially equal, though separate for each race, the law would not allege discrimination.
Slander	The speaking of base and defamatory words tending to prejudice another in his/her reputation, office, trade, business, or means of livelihood; oral defamation.
Sovereign	A supreme political power of authority.
Stay	The temporary suspension of the regular order or proceedings in a case, by direction or order of the court.

Subpoena	A written order requiring a person to appear in court and give testimony.
Sue	To bring legal action against a person in order to satisfy claim or grievance.
Suffrage	A vote; the act of voting; the right or privilege of casting a vote at public elections.
Summons (Or subpoena)	An official order to appear in court at a specific time.
Testimony	Information or evidence given by a witness under oath.
Tort	A private or civil wrong or injury. A wrong independent of contract.
Trial	Proceedings in open court after the pleadings are finished and the prosecution is otherwise ready, down to the rendition of the verdict.
Trial De Novo	A new trial or retrial in an appellate court in which the whole case is gone into as if there had not been a trial in the court below.
Verdict	Formal decision or finding made by a jury.
Violate	To go against or break.
Voir Dire	The questioning of possible jurors by the judge and the lawyers to decide whether they are acceptable to decide the case.
Waive	To give up a right or claim voluntarily.
Warrant of Arrest	A written order issued and signed by a judge or magistrate which allows the police to make a search or arrest a person.
Witness	One who testifies under oath to what he/she has seen, heard or otherwise observed.
Writ	An order issued by a court or judge, in the name of the state, for the purpose of compelling the defendant to do something mentioned in the order.

