

LEGAL TERMS

abscond: “away together-put”: flee; secretly leave a jurisdiction/hide to avoid a legal notice/process

affidavit of indigency: “stated on oath”; sworn statement made under oath before an authorized official (usually a notary) that defendant lacks the financial means to afford legal representation; court appoints public defender

allocution: “to place”; after verdict of “guilty”, judge asks if defendant has anything to say before pronouncing sentence

appeal: “called upon”; review of the conduct/decisions of a court by a higher court

arraignment: “to speak”; accused is brought into court, formally charged with the crime, given a copy of the charges, informed of basic rights, directed to plead, and set up on bail, if any, if bail has not already been set

bail: “burden for release from jail”; release of an accused person from custody before trial upon reasonable assurance that the accused will appear in court when required; “freedom under financial control

brief: “short”; a relatively short written summary/discussion of the facts/law in a case

bail bondsman: person in the business of posting bail bonds for a fee

bailiff: “administrator”; judge’s personal assistant who keeps order in the court, administers oath to jury/witnesses during a trial, escorts jury to/from courtroom during deliberations

bench trial: trial by judge, no jury; judge is trier of fact

bind over: transfer of a case/person from a court of limited jurisdiction to a court of general jurisdiction or when a person is ordered held for trial/further proceedings

bounty hunter: person hired by a bail bondsman to arrest, take into custody, and return an accused who jumps bail; in MS, a bond enforcement agent

capital crime: crime punishable by death

chain of custody: safe, unbroken journey of evidence to the courtroom

challenge for cause: objection to a prospective juror based on the juror's apparent unfair bias, interest, prejudice; unlimited number; challenges also called "strikes"

change of venue: "to come"; moving a trial to another county/district to secure a fair trial

circumstantial evidence: evidence that tends to prove the fact/event in dispute by using inference from the circumstances; indirect evidence

concurrent sentence: "together run"; sentences running together/at the same time as each other regardless of when each sentence begins/ends

confession: "intense utterance"; admitting one's criminal guilt

consecutive sentence: "closely follow"; sentences that run separately from each other, with one running immediately after another

court of general jurisdiction: hears/decides both misdemeanor/felony cases (including murder cases)

court of limited jurisdiction: hears/decides only misdemeanor/lesser cases

court of last resort: appellate court at the highest level; reviews cases for errors; decisions are binding/final

court clerk: court official who accepts documents for filing and maintains the official records of one or more courts

court recorder: person who makes a verbatim (word for word) record of a legal proceeding; court reporter

cross examination: after direct examination, an attorney who did not initially call the witness questions the witness; "cross"

defendant: "ward off"; person against whom a case is brought

direct evidence: evidence that tends to prove the fact/event in question regardless of the circumstances (ex. a document is direct evidence of what it says)

direct examination: the attorney who calls the witness initially questions the witness; "direct"

directed verdict: motion made by defense that the case be dismissed before the jury begins deliberation

discovery: “to uncover”; access to information/evidence in possession of an opposing party before a trial begins

district attorney: lawyer for the plaintiff in a criminal case; “D.A.”, prosecuting attorney

docket: “place for the accused”; court’s formal list/calendar of pending cases

exculpatory evidence: “away from blame”; evidence that tends to show that a person charged with a crime did not commit the crime

expert witness: special witness not expected to have first-hand knowledge but who does have special knowledge (result of education, training, experience) useful to the court/jury in deciding a case

extradition: “out-deliver”; “asylum state/country/jurisdiction” is asked to give up its custody of a person to a “demanding state/country/jurisdiction”

eyewitness: person who saw what happened

filing: “threading together to preserve”; depositing a document with a public official to preserve a record of it

frivolous suit: “silly”; suit clearly lacking in merit; baseless

gag order: “suffocate”; court order that litigants, attorneys, media not to comment about the merits of the case before/during the trial

grand jury: a jury that meets in secrecy to decide whether the evidence of a crime presented by a prosecutor should result in the indictment/trial of the accused; meets for specified period of time; ranges from 6-23 members

hearsay evidence: “heard-said”; unfair evidence in the nature of a rumor offered to prove the truth of the matter before the court

held in contempt: accused failed to obey a court order

hostile witness: witness called by an attorney who will probably give answers unfavorable to that attorney because of bias, interest, or prejudice

indictment: “dictate (a message)”; formal written accusation of a crime submitted by a prosecutor to a grand jury and accepted; “true bill”

indigent: “in need”; person who is financially poor and unable to afford counsel

in forma pauperis: “in the manner of a pauper”; poor person may file an appeal without paying court costs/expenses

information: formal written accusation of a crime signed by a prosecutor but not submitted to a grand jury; used if the right to an indictment is waived

initial appearance: first appearance of accused before a judge; informed of the charges and bail, if any, is set

jurisdiction: “speak by the law”; power/authority of a court to hear/decide a particular kind of case; also, refers to the geographic/hierarchical authority of courts

jury nullification: jury refuses to apply the law/rejects evidence in order to reach a verdict that is in accord with the jury’s sense of justice;

kangaroo court: a court, judge/jury that is biased/prejudiced against the accused/disregards the rights of the accused

litigant: “carry on a law suit”; party to a lawsuit; plaintiff/defendant

no bill: grand jury concluded that evidence presented by prosecution does not warrant indictment/trial of the accused

nolle prosequi: “not wishing to prosecute”; information/indictment has been filed but prosecutor decides not to proceed any further with the case; “drop the charge(s)”; nol. pros

nolo contendere: “I do not wish to contend”; accused denies guilt but admits the acts charged; not a guilty plea so cannot be used in any subsequent civil case; “no contest”

oath: “solemn promise”; promising to perform as requested (“to tell the truth, the whole truth, and nothing but the truth”)

objection: formal disagreement with something related to the trial/legal proceeding; objection may be “sustained” (upheld by judge) or “overruled” (not allowed)

onus propandi: “burden of proof”; prosecution has duty to present sufficient evidence to substantiate an allegation and overcome evidence presented by the defense

oyez: “Hear ye, hear ye, hear ye”; proclaimed by bailiff/other court official signifying the beginning of proceedings in a courtroom; pronounced “oy-yay”

perjury: “away from swearing”; deliberately giving a false, incomplete, or misleading statement under oath; lying under oath; opposite of “the truth, the whole truth, and nothing but the truth”

petit jury: “small”; usually consists of twelve jurors in a felony case, six jurors in a misdemeanor/civil case; in contrast to “grand jury”

plaintiff: “complaining”; individual/entity who brings a case to a trial court

plea bargain: agreement in which the prosecutor will drop/reduce a charge/recommended punishment in exchange for the accused pleading guilty

preemptory challenge: “allowing no refusal”; objection to a prospective juror without having to give a reason (as long as the reason is not based on race); prosecution and defense usually given six preemptory challenges in a murder case, four in a felony case, three in a misdemeanor case and three in civil cases; challenges are also called “strikes”

preliminary hearing: proceeding in which prosecutor is required only to present enough evidence for the court to find that there is probable cause that a crime has been committed and committed by the accused; “probable cause” hearing

prima facie: “on the face of it”/“at first sight”; sufficient evidence, when standing alone, to establish a fact/cause of action; enough evidence to make a case

probable cause: reasonable belief that a crime has been committed and the accused did it

pro bono: “for the public good”; ethical obligation, based on the privilege of practicing law, to provide services to the public without charging a fee

pro se: “for one’s self”; without being represented by an attorney; do defend oneself; “A person who represents himself/herself has a fool for a client”

prosecuting attorney: “pursue”; represents the “state” and brings charges against the accused; also referred to as prosecutor/district attorney

public defender: attorney paid by the government (ex. city) to represent indigent or incompetent persons

real evidence: original objects (murder weapon, fingerprints, DNA, appearance of the crime scene) or facsimile representations (photographs, tire tracks)

rebuttal: “back-hit”; answering evidence showing that one or more of the elements of the crime are not true/have not been proven beyond a reasonable doubt; to refute

recross examination: follows redirect examination; attorney who did not call the witness questions the witness again

redirect examination: when the attorney who called the witness questions the witness again

release on recognizance (ROR): “knowing an event”; accused promises to appear/abide by any conditions of the court under the compulsion of having to pay a specific sum of money for failure to appear; “My word is bond”

sequester: “to hide”; to protect the jury from unfair evidence/tampering

side bar: conference between judge and attorneys at the judge’s bench to discuss issues of evidence that should not be heard by the jury/others in the courtroom

subpoena: “under punishment”; summons directing person to appear at a deposition, hearing, or trial to testify

surety: “secure”; person who agrees to pay for the debt, default, or miscarriage of another (ex. bail bondsman)

tampering: “meddle with”; improperly influencing by bribery, threats, or giving improper/misleading information

testimonial evidence: “witness statement”; to make a statement(s) under oath at a deposition, hearing, or trial; oral/verbal evidence

trial: “testing”; formal determination of the fact/original application of the law in a case brought to court to resolve a legal dispute

trial de novo: “new, fresh”; having second trial as if it was the first time; all issues of fact/law are reconsidered as if no prior trial had taken place

true bill: conclusion of the grand jury that the evidence of the crime presented by the prosecutor warrants the indictment/trial of the accused; simply, an accepted indictment

venire (facias): “to come”; process of summoning people to be potential jurors

verdict: “law related decision”; the court’s decision

victim impact statement: a written/oral report on the impact on the victim of the crime committed by the convicted defendant

voir dire: “to speak the truth”; questioning a potential juror/witness to determine if the potential juror/witness understands his/her duty to tell the truth

witness: “knowledge-having”; person expected to have firsthand knowledge/expert opinion useful to the court/jury in deciding a case; person who testifies about what the person has seen, heard, touched, smelled, tasted, or otherwise observed

writ of certiorari: “to be fully informed”/“to make sure”; “cert”; written order to bring up for review the record of a lower court

