

### American Criminal Law and Procedure Vocabulary

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| acquit:                    | To set free or discharge from accusation; to declare that the defendant is innocent of the crime charged.  |
| affidavit:                 | A written statement sworn to or affirmed by the one who makes it in the presence of a person with authority to witness the oath. Affidavits are used when applying for search warrants or arrest warrants.   |
| alibi:                     | Account of a person's activities and whereabouts at the time a crime was committed that is used as a defense to show it was impossible for him to commit the crime   |
| amendment:                 | A change or addition to the text of a statute or constitution  |
| appeal:                    | The process of asking a higher court to review the process and result reached in a lower court   |
| arrest:                    | The process of taking a person into government custody for the purpose of bringing her into a court to answer for criminal charges   |
| arraignment:               | The initial step in a criminal proceeding in which an accused person is brought before a judge to be informed of the charges against him, and during which time the defendant enters a plea  |
| bail:                      | To give a security such as money so that a defendant may be released prior to a criminal trial. The security or bail is held by the court to insure that the defendant will appear in court or else lose the money posted as bail.   |
| beyond a reasonable doubt: | the phrase used to refer to the level of certainty required in the mind of an honest, conscientious juror before convicting a person of a crime; it is not absolute certainty, but instead is that degree of certainty a moral person seeking the truth is required to have; it is the highest degree of proof required in the legal system. |
| bias:                      | Preconceived opinion, or a leaning toward one side or the other regardless of the true facts   |
| burden of proof:           | A party's obligation to provide evidence necessary to establish a disputed fact or a degree of belief in the mind of the court or jury. This burden is on the state in criminal proceedings, and the state must establish its case beyond a reasonable doubt.  |
| charge:                    | an accusation of specific criminal wrongdoing  |

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| circumstantial evidence: | evidence gained not from direct observation or personal knowledge, but from deductions made from related facts and circumstances  |
| code:                    | an organized collection of statutes or rules that have been enacted by a legislature  |
| common law:              | law based on judicial principles found in court decisions rather than law based on legislative enactment  |
| complaint:               | a document containing a formal charge made under oath before a magistrate stating that a person has committed a crime or offense  |
| compulsory process:      | the constitutional right a criminal defendant has to legally require a witness to appear in court   |
| confession:              | An admission of guilt   |
| constitution:            | A document setting out the structure of government and the system of basic laws and principles that serve as the supreme legal and governing authority  |
| conviction:              | A final judgment of guilt reached after a criminal trial which is based on a guilty verdict, a guilty plea, or a plea of nolo contendere  |
| cross-examination:       | The questioning of the opposition's witness to test the truth and accuracy of that witness's direct testimony.  |
| custodial interrogation: | Questioning initiated by law enforcement officers in a place or setting where the person being questioned is not free to leave. Such questioning triggers a person's right to be advised of certain constitutional rights such as the right to remain silent. |
| direct examination:      | The first questioning of a witness by the party who called the witness to the stand   |
| evidence:                | All the means legally presented at trial to persuade the jury as to the truth or falsity of the prosecution's case. Evidence includes testimony by witnesses, documents, photographs, and exhibits.   |
| exclusionary rule:       | A rule that prohibits the prosecution from using evidence obtained illegally in violation of a criminal defendant's constitutional rights   |
| exculpatory evidence:    | Evidence that tends to establish a criminal defendant's innocence   |
| exhibit:                 | An object displayed in court as evidence  |

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| felony:                | A major or high crime, usually punishable by a prison sentence longer than one year.   |
| hearsay:               | This term usually describes testimony that is given by a witness who relates not what he or she knows personally, but what others have said outside of court. As a result, the credibility of the statement cannot be tested by cross-examination of the person who made it. Such testimony is usually not admitted in a criminal trial, although there are some exceptions to this rule   |
| impartial:             | Favoring neither of the parties in a trial until all the evidence is heard.  |
| inadmissible evidence: | Not acceptable as proof under the rules of evidence  |
| incarceration:         | Confinement in a prison or jail.   |
| inculpatory evidence:  | Evidence that tends to show that defendant was involved in committing the crime  |
| information:           | A written accusation submitted by a public officer, such as a prosecutor, specifying charges against an individual.  |
| interrogation:         | Questioning of a suspected criminal by the police.   |
| jurisdiction:          | Authority by which courts and judicial officers hear and determine cases. Also the geographic region over which the authority of a court or law enforcement officer extends  |
| jury:                  | A group of persons chosen from the eligible public that are convened and sworn at a trial to determine the facts at issue.   |
| Miranda warning:       | Statement of constitutional rights that must be read by a law enforcement officer to a person when that person is arrested or taken into custody. These include the right to remain silent, to be told that any further statements made by the person can be used against them in court, that the person has a right to be represented by an attorney, and that if they cannot afford an attorney one will be provided to them by the court. |
| oath:                  | A promise to do an act or fulfill an obligation faithfully   |
| object:                | To disagree with or challenge a decision of the court in the course of a legal proceeding  |
| opinion:               | Written judicial decision that explains why and how the court decided a case or reached some other decision.   |

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| plea bargaining:         | Process by which a defendant's attorney and the prosecution bargain for a mutually acceptable disposition in a criminal case.  |
| plead:                   | To formally answer a criminal charge. Pleas include "guilty," "not guilty," and "nolo contendere"  |
| precedent:               | A previously decided case that is used as an example or an authority for similar case that subsequently arises   |
| probable cause:          | The terms used to describe the standard of knowledge that law enforcement officials must satisfy before receiving a warrant to search a private area or arrest an individual who allegedly committed a crime. This standard calls for more than a mere suspicion, but does not require the same degree of certainty that would justify a conviction. |
| public defender:         | An attorney paid by the government to represent persons accused of a crime who cannot otherwise afford to hire an attorney   |
| relevant evidence:       | Evidence that can, by itself or with other evidence, help to prove or disprove an issue in a trial   |
| reverse/reversal:        | When an appellate court changes or cancels out the decision of a lower court   |
| search and seizure:      | The practice of physically investigating a person, home or other area with the purpose of discovering evidence of a crime and confiscating any relevant items that are found.  |
| search warrant:          | Written court order issued to a law enforcement officer granting permission to enter and physically investigate a specific location and to seize any evidence of a crime found there.  |
| statute:                 | A law; legislative enactment   |
| stare decisis:           | The doctrine of precedent under which it is necessary for a court to follow an earlier judicial decision when the same points arise again in later cases   |
| subpoena:                | A judicial order requiring a person to appear and give testimony   |
| suppression of evidence: | The exclusion of evidence by a trial court after the court reaches a conclusion that the evidence was a) illegally obtained, b) is not relevant to the issues in the case or, c) is overly prejudicial to the defendant  |
| venire:                  | A panel of persons who have been selected from the general population to   |

perform jury duty, and from among whom the jurors for a specific trial are to be chosen.

verdict: The formal decision of the jury on the question of guilt or innocence

voir dire: Questioning a potential juror about his or her ability to decide the issues in a case without prejudice or bias

waiver: The voluntary and intentional giving up of a known right.

weight of the evidence: The extent to which it is credible/believable