

GLOSSARY OF LEGAL TERMS

A

Abduction

Taking away by violence or fraud and persuasion; kidnapping. Usually a female or wife, child or ward.

Abet

See Aiding and Abetting.

Abstraction

Taking away with intent to harm or deceive.

Accessory

Not the perpetrator of the crime but in some way involved without being present in the commission of the crime.

Accessory After the Fact

One who helps a criminal to elude arrest.

Accessory Before the Fact

One who induces another to commit a crime.

Acquittal

A not-guilty verdict absolving an accused party of guilt. Release or absolution.

Adjudication

The legal process by which a case or claim is settled. May also be the final pronouncement of judgment in a case or claim.

Adjudication Withheld

The court will withhold a decision until a future date. Usually some sort of probation is added and if the defendant complies with the conditions for a specified period of time, the case will be dismissed.

Affidavit

A voluntarily, written statement of fact, confirmed by oath.

Affray

Brawl or disturbance. Not premeditated.

Aggravated (Assault, battery, arson, etc)

Circumstances surrounding the commission of a crime or tort which increase or add to its injurious consequences.

Aiding and Abetting

To assist and/or incite another to commit a crime.

Alias

False name used in substitution of a legal name on official documents and for official purposes. Nicknames are not considered aliases. May be noted as AKA (Also Known As) on criminal records.

Antitrust Acts or Laws

Laws to protect trade and commerce from unlawful practice.

Appeal

A complaint to a superior court to review the decision of a lower court.

Appellant

One who makes a complaint to a superior court to review the decision of a lower court.

Appellate Court

A court having jurisdiction of appeal and review. Not a trial court.

Appropriate

To take something from another for one's own use or benefit.

Archive/Archives

The place where records are stored after a certain specified period of time. The period of time a record is held at a court of record may differ between courts and states.

Arraignment

A call to the accused to come before the court to hear charges or enter a plea.

Arrest

The taking of an individual into custody by law enforcement personnel for the purpose of charging them with an illegal act.

Arrest Record

An official form completed by the police department when a person is arrested. Also, a cumulative record of all instances in which a person has been arrested.

Arson

The attempted or intentional destruction of property by fire or explosion.

Assault

Intentional or threatened infliction of injury to another. The classification of "aggravated" is assigned when the injury is considered serious or when injury is threatened or carried out with the use of a deadly or dangerous weapon.

Bail

An amount of money, set by a judge at an initial appearance to ensure the return of the accused at subsequent proceedings.

Battery

Non-consensual, unlawful contact, such as touching, beating or wounding of another. See Assault.

Bench Warrant

A process delivered by the court directing a law enforcement agency to bring a specified individual before the court.

Bind Over

To put under bond to appear in court. The term is also used when a case is shifted from a lower court to a higher court.

Blackmail

An illegal demand for money or property under threat of harm or exposure of undesirable acts.

Bond

A certificate of obligation, either unsecured or secured with collateral, to pay a specified amount of money within a specified period of time.

Bond Forfeiture

Bond forfeiture occurs when a case has been disposed and a fine is to be, or has been paid. If it is a first offense, it is listed on the record but not classified as a conviction; any other time it is classified as a conviction.

Bookmaking

An operation with the purpose of placing, registering, paying off or collecting debts for bets.

Burglary

The act of entering a premises, without the privilege to enter, with the purpose of committing a crime. States may classify as first, second, or third degree burglary.

C

Capias

The Latin meaning is "That You Take". This is the name for several types of writs which require that a law enforcement official take a named defendant into custody.

Capital Case/Crime

Case or crime for which the death penalty may be imposed.

Capital Punishment

Punishment by death for capital crime.

Carnal

Sexual, sensual. Carnal knowledge is sexual intercourse.

Cause of Action

One or more related charges, combined and made against a defendant for wrongs committed.

Charge

In criminal law, a charge is an allegation that an individual has committed a specific offense.

Circuit

Judicial division of the United States or of an individual state.

Circuit Courts

Courts whose jurisdiction extends over several counties or districts. There are thirteen judicial circuits wherein the U.S. Courts of Appeals reside.

Citation

An order issued by a law enforcement officer requiring appearance in court to answer a charge. Bail is not accepted in lieu of appearance.

City Court

Courts that try persons accused of violating municipal ordinances. City courts may have jurisdiction over minor civil or criminal cases, or both.

Civil Disorder

A violent public disturbance by three or more people which causes danger, damage or injury to property or persons.

Co-defendant

One of a group of two or more people charged in the same crime.

Coercion

The use of physical force or threats to compel someone to commit an act against their will.

Compounding Crime

The receipt by an individual of consideration in exchange for an agreement not to prosecute or inform on someone who they know has committed a crime.

Concurrent Sentences

Two or more terms of imprisonment served simultaneously.

Conditional Discharge

A conviction. Court issues the discharge from the jail and requires defendant to comply with some conditions. Regardless whether defendant complies with rules or not, he/she is still convicted (GUILTY) and case can never be expunged.

Conditional Release

The release from a correctional facility before full sentence has been served which is conditioned on specific behavior. If conditions are not met, the individual may be returned to the facility.

Consecutive Sentences

Multiple sentences, served one after the other.

Contempt of Court

An act committed which serves to obstruct the court in its administration or authority.

Controlled Substance

A drug whose availability is restricted by law.

Conversion

The unauthorized taking of another's property.

Conviction

Guilty verdict in a criminal trial.

Count/Charge

An offense named in a cause of action. A cause of action may contain multiple counts or charges, each relating to the others but identifying a separate offense.

Court of Limited Jurisdiction

Court that has authority to adjudicate cases of a certain kind or up to a limited amount, usually lesser offenses. Opposite of Court of General Jurisdiction.

Credit Card Fraud

Use, or attempted use of a credit card to purchase goods or services with the intent to avoid payment of such.

Crime Against Nature

Deviate sexual intercourse.

Criminal Nonsupport

Failure to pay child support in violation of court order.

Culpability

Blame, or degree of responsibility for a crime. This may be in degrees of purposeful, knowingly, recklessly or by negligence.

Cumulative Sentence

A sentence that takes effect after a prior sentence is completed for crimes tried under the same cause of action.

D

Dead Docket

The case never went to trial. The case can be reopened if new evidence is submitted.

Deadly Weapon

A weapon designed to cause serious injury or death.

Defendant

A person against whom a cause of action is taken.

Deferred Adjudication of Guilt

The final judgment is delayed for a period of time. Can be likened to probation before a final verdict. If "probation" is completed without incident, the charges are usually dropped and the case is dismissed.

Deferred Discharge

Dismissed and considered a non-conviction.

Deferred Probation

The judge doesn't make a finding of guilt; he assigns probation. If probation is completed without incident, the charges are usually dropped.

Deferred Sentence

Postponement of the pronouncement of the sentence.

Defraud

Knowingly misrepresenting facts to cheat or trick.

Degree (First, Second, or Third, A, B or C)

Classification assigned to a crime, depending on circumstances, for purposes of determining punishment. First degree is considered most serious than third; A is more serious than C. Degrees may be assigned to the actual crime.

Directed Verdict

A determination by a jury, made at the direction of the judge. A directed verdict happens in cases where there has been a lack of evidence, an overwhelming amount of evidence, or where the law is in favor of one of the parties.

Dismissal

Finally disposing of the cause without further consideration. May be voluntary or involuntary. When involuntary, there is usually lack of prosecution or failure to produce sufficient evidence.

Dismissal Without Leave After Deferred

Prosecution Charges dismissed after specified time (90 days to 1 year) provided certain conditions have been met such as participating in specified program of anger control or drug counseling or providing community service, etc.

Disposed/Disposition

The final settlement in the matter. Examples of disposed cases are those with a finding of guilt (conviction), innocence, or acquittal.

Diversion Program

To set aside. A court direction which calls a defendant, who has been found guilty, to attend a work or educational program as part of probation. May include some type of anger management, drug rehab, etc. If the condition of program is met, charge may be dropped.

Diversity of Citizenship

A crime or claim which extends between citizens of different states. This is one of the grounds that can be used to invoke the jurisdiction of the U.S. Federal District Court.

Docket Record

A court's official record of proceedings and calendar of upcoming cases.

Driving While Intoxicated

Operating a motor vehicle while under the influence of alcohol or drugs. Complete intoxication is not required. Individual state statutes specify the blood alcohol content at which a person is presumed to be under the influence of intoxicating liquor.

Due Diligence

A reasonable and expected measure of attention taken for a particular action. Not measurable by an absolute standard, but dependant on the situation.

Due Process of Law

Procedures followed by law enforcement and courts to insure the protection of an individual's rights as assigned by the Constitution.

E

Embezzlement

The taking of another's money or property by one entrusted with its possession, usually through employment.

Ex parte

On one side only. When an act is one for one party only. For example, in an Ex parte proceeding, only one party to the case is heard.

Expunge/Expunged

When a record of an offense is expunged it will not appear on a released criminal history. The record may be destroyed or sealed after a certain period of time. Records may be expunged in juvenile cases.

Extortion

Obtaining another's property by actual or threatened force, fear or violence.

Extradition

The surrender of an individual accused or convicted of a crime by one state to another.

F

Felonious

Describing an offense which is done with malicious, villainous criminal intent. IE: felonious assault.

Felony

A serious offense carrying a penalty of incarceration from one year to life in a state prison, to the death penalty.

Felony Conversion

(Fraudulent Conversion) Similar to embezzlement or theft. An example of felony conversion is if someone sold goods for a company, and kept the money instead of turning it in to the company. (North Carolina)

Forcible Entry

Entering or taking possession of property with force, threats or menacing conduct.

Fraud

A broad term used to cover all kinds of acts. Generally, fraud is the commission of an act with the goal to benefit or gain advantage at another's expense. A purposeful misrepresentation with the intent to deceive.

G

Grand Jury

A body of persons with the authority to investigate and accuse, but not to try cases. The grand jury will listen to and review evidence to see if there are sufficient grounds to bring an individual to trial.

Grand Larceny

The theft of property over a specified value. Dollar amounts vary by state.

Gross

Flagrant, out of measure.

Gross Misdemeanor

Serious misdemeanor.

Guilt/Guilty

Final disposition. Having committed a crime.

H

Habeas Corpus

A writ requesting a trial or the release of a prisoner.

Habitual Violator

To have committed the same offence three times. Can also be charged as a habitual offender.

Hijacking

To take control of a vehicle by intimidation, force or threatened force. Also, the theft of goods while in transit, as when transported in trucks.

Homicide

The killing of another human being. "Justifiable homicide" occurs in cases such as during the enforcement of law, and/or occurs without evil intent. "Excusable homicide" may occur by accident or in self-defense.

Hung Jury

A hung jury is one in which all jurors cannot reach a consensus required for a verdict.

I**Illicit**

Prohibited or unlawful.

Incendiary

One who intentionally set fires. Arsonist.

Incorrigible

One who is incapable of reform.

Indictment

A formal, written accusation made by the grand jury.

Infraction

Violation of local ordinance or state statute usually resulting in a fine or limited period of incarceration.

Injunction

A court order which prohibits a person from doing a specified act for a specified period of time.

Intent

The frame of mind or attitude of the person at the time an act was committed. See Culpability.

Intoxicates, Intoxication

Reduction of physical or mental capabilities caused by the ingestion of an intoxicating substance such as alcohol or drugs.

Involuntary Dismissal

Dismissed due to lack of prosecution or lack of evidence.

J

Judgment

The final decision of the court regarding a claim or case.

Jurisdiction

The power of a court to question facts, apply law, make decisions and judgments.

K

Kidnapping

Taking and carrying away a person by force, fraud, threats or intimidation.
Unlawfully confining a person for a substantial period of time in an isolated place.

L

Larceny

The unlawful taking of another person's property. Larceny is commonly classified as "petty" or "grand" depending on the value of the property. Dollar values to establish classifications of "petty" and "grand" may vary from state to state.

Legal Malice

An act, committed without just cause or excuse, intended to inflict harm or cause death.

Lewd and Lascivious

Obscene, indecent.

Libel

Defamation of another person through print, pictures, or signs.

Lis Pendens

A pending suit.

M

Magistrate

Public officials, including judicial officers who have limited jurisdiction in criminal cases and civil causes.

Mail Fraud

The use of the mail system to commit a fraud.

Malice Aforethought

Planning to commit an unlawful act without just cause or excuse.

Manslaughter

The unpremeditated killing of a person. Can be voluntary or involuntary, determined by circumstances. The feature distinguishing involuntary manslaughter from voluntary is the absence of intent to cause death.

Mayhem

The intentional infliction of injury on another which causes amputation, disfigurement or impairs the function of any part of the body.

Mistrial

A trial which is terminated or declared invalid. Reasons for mistrial include misconduct on the part of the jury, defense team or the court, or illness on the part of the judge, jury or defendant. May be followed by a retrial on the same charges.

Murder

Unlawful killing with malice of forethought. Murder is willful, deliberate and premeditated, or done during the commission of a crime. This classification of crime is generally divided by degrees, murder in the first degree and murder in the second degree.

N

Negligence

Flagrant and reckless disregard of the safety of others. Willful indifference.

Negligent Hiring

In order for a customer, employee, or other third party to prevail in a negligent hiring suit against an employer, the following must generally be shown: The existence of an employment relationship between the employer and the worker. The employee's unfitness. (failure to investigate can lead to a finding of the constructive knowledge) The employee's act or omission causing the third party's injuries. The employer's negligence in hiring the employee as the most likely cause of the plaintiff's injuries.

Negligent Retention

Retaining an employee after the employer became aware of the employee's unsuitability, thereby failing to act on that knowledge.

Negligent Supervision

Failing to provide the necessary monitoring to ensure that employees perform their duties properly.

Negotiated Plea

See Plea Bargain.

No Bill or No True Bill

The decision by a grand jury that it will not bring indictment against the accused on the basis of the allegations and evidence presented by the prosecutor.

No Contest

A plea in which the defendant does not contest the charge. This has the same effect as a guilty plea except the conviction cannot be used against the defendant in a civil suit.

No Papered

Charges were not pursued. (This is a legal term in Washington, D.C.)

No Probable Cause

There was not sufficient reason to bring case to trial.

Nolle Pros or Nolle Prosequi

Latin phrase used by the district attorney or plaintiff when they do not wish to prosecute or proceed with the action.

Nolo Contendre

Latin phrase used by a defendant to say "I do not wish to contest." This plea in a criminal case has the legal effect of pleading guilty. See No Contest.

O**Obtain Property under False Pretense**

The misrepresentation of the value of something. Passing bad check.

P**Pander**

To provide products or services which cater to the sexual gratification of others. To entice another into prostitution.

Parole

To release from confinement after serving part of a sentence, usually with terms and conditions provided in the parole order.

Parole Violation

An act that does not conform to the terms of parole.

Perjury

Intentionally making a false statement under oath.

Plea

The defendant's formal answer to a charge.

Plea Bargain

A plea of guilt to a lesser offense in return for a lighter sentence.

Prayer for Judgment, 1st Offense (NC)

Asking the court to give leniency. No finding of guilt by the court.

Pre-Trial Intervention

An extensive background check to help determine if charges will be pressed.

Probation

Relief of all or part of a sentence on the promise of proper conduct.

Q**R****Racketeering**

An organized conspiracy for the purpose of committing crimes of extortion or coercion.

Rape

Sex without consent. May be forcible or by intoxication, with a person who is underage and unable to give consent, or with a person with diminished mental and/or physical capabilities.

Reckless Endangerment

An act which does or could cause injury to another, not necessarily with intent.

Refused

Charges were not accepted by the District Attorney's Office.

Remand

To return an individual to custody pending further trial, or to return a case from an appellate to a lower court for further proceedings.

Restraining Order

An order prohibiting a specified action until such time that a hearing on an application for an injunction can be held.

Retired (as Disposition)

The case can be brought up within the next year if the individual is arrested for anything. It is the judge's decision and only he can take action. If the individual remains "clean," then the case can be dismissed.

RICO Act

Racketeer Influenced and Corrupt Organizations Act.

S**Secreting Lien Property**

Hiding property that has a lien filed against it.

Sedition

Advocating the overthrow or reform of a government by unlawful means.

Sentence

A judgment of punishment for a criminal act.

Serious Misdemeanor

Having a more severe penalty than other misdemeanors.

Slander

Defamation verbal communication. Making false and malicious statements about another.

Solicitation

Asking, urging or enticing.

Status: Closed

No further action will occur on this case; cannot be reopened at later date.

Statutory Rape

Sexual activity by an adult with a person under the age of consent.

Stricken

To eliminate or expunge.

Suspended Sentence

Deferment of punishment usually over a period of probation.

T**Theft of Services**

Obtaining services without consent through deception, threat, tampering, etc.

Theft/unauthorized

Theft by using someone else's information, credit card, check, or something similar.

Truncated Files

Destroyed or partially destroyed. Unable to obtain any more information.

U**Under the Influence of Intoxicating Liquor or Drug**

Any conditions where the nervous system, brain or muscles are impaired to an appreciable degree by an intoxicating substance.

Unlawful Entry

Entry without force and without permission by means of fraud or other wrongful act.

Usury

Charging more interest than is permitted by law for a loan of money.

Uttering

To forge another's name.

V**Vacate (Judgment)**

To make void; to cancel.

Vehicular Homicide

Death of another caused by the intentional, unlawful or negligent operation of a motor vehicle.

Venue

The geographic area where the case or claim occurred, within which a court with jurisdiction can hear and determine a case.

Verdict

The formal, final decision or finding made by a jury or judge.

Voluntary Dismissal

The court or district attorney dismisses the charges against an individual.

W**Waiver by Magistrate**

Charges are waived after the defendant agrees to pay a fine. The defendant is not prosecuted on this charge.

Waiver of Jury

The right to a jury trial is waived and the judge makes the decision of guilt or innocence.

Wanton Reckless, malicious.

Without regard for the rights of others, indifferent to consequences to health, life or the reputation of another. Usually done without intent, but an act so unreasonable the perpetrator should know that harm will result.

Warrant

Court order authorizing a law enforcement official to arrest or perform search and seizure.

Weapons Offenses

The unlawful sale, distribution, manufacture, alteration, transport, possession or use of a deadly or dangerous weapon.

With Specifications

When W/S is listed after a charge, it is usually followed with a description of violence involved with the charge.

Withheld

Adjudication withheld.

Writ

A written court order, or a judicial process.

Wrongful Entrustment

Allowing an unlicensed driver to operate a motor vehicle.

X**Y****Youthful Offender**

Classification of youths and young adults, generally older than juveniles. In the 18 to 25 year age group, these individuals are sometimes given special sentencing consideration for the purpose of rehabilitation, sometimes through education and counseling.

Youthful Training Act

Usually a non-conviction. Used for juvenile first-time offenders. It may be reported on a criminal record. If the juvenile complies with the sentence, the case will be dropped from the record when the offender reaches adulthood.

Z