

# CRIMINAL JUSTICE TERMS

**Arraignment-** A hearing in which the defendant is formally charged and is asked to enter a plea of guilty, not guilty or no contest. In felony cases, an arraignment follows a preliminary hearing. Often times, a plea of not guilty is entered as it preserves the defendant's right to a trial.

**Calendar Call/Status-** A hearing between the attorneys and the defendant before a judge to see if the case can be settled without going to trial. If not, a trial date is set.

**Competency-** A defendant's ability to aid in their own defense.

**Confer-** An arranged meeting with the assigned prosecutor to the case to provide input about possible outcomes.

**Criminal Complaint-** A formal document, filed by the District Attorney, setting forth the charge(s) and facts of an alleged crime.

**Defendant-** The person charged with a criminal offense. This is the person alleged to have committed a particular crime.

**Felony-** A crime that is punishable by confinement in a state prison for a term exceeding one year.

**Indigency hearing-** A hearing to determine a defendant's ability to pay for representation.

**Information-** A charging document that is filed with the Court after the preliminary hearing. Often times, this is the same as the criminal complaint, but does not include the facts of the alleged crime.

**Initial Appearance-** A defendant's first appearance in court in which bond is addressed. **Victims have a right to attend this hearing and address the court as it relates to bond ONLY.**

**Misdemeanor-** A crime that is punishable by confinement in a county jail for one year or less and/or a fine.

**Motions-** Oral or written requests about legal questions made by the prosecutor or the defendant before, during or after a trial. Motions ask the Court to issue a ruling or order regarding the case.

**NGI-** 'Not guilty by reason of mental disease or defect.' A plea that can be considered based on a defendant's mental state during the commission of the crime.

**Preliminary Hearing-** A hearing to determine if there is probable cause to believe a crime was committed and if the defendant committed it. If probable cause is established, the case will proceed. If not, the case is dismissed. **This hearing is held only for felonies.**

**Probable Cause-** A judicial determination that there is sufficient evidence for a case to proceed to trial.

**Prosecutor-** A lawyer who conducts the case against a defendant in criminal court, also referred to as the District Attorney (DA) or Assistant District Attorney (ADA).

**Restitution-** An amount of money that could be ordered (at the time of sentencing) by the Court to be paid to the victim for property losses or injuries caused by the crime.

**Sentencing-** A hearing in which the Court imposes sentence. This occurs after a no contest plea or guilty plea or a finding of guilt by a Jury or the Judge. **Victims have a right to provide a Victim Impact Statement at this hearing. This is a victim's opportunity to address the Court regarding the impact the crime has had on them.**

**Subpoena-** A court order that requires a person to appear in court to testify as a witness. The subpoena lists the date, time, place and proceeding for which a witness ***must*** appear.

**Trial-** A hearing where the prosecution and defense present evidence to establish the defendant's guilt or innocence. The burden is on the prosecution to prove the defendant's guilt beyond a reasonable doubt. If the Court finds the defendant guilty, the case proceeds to sentencing on a later date. If the defendant is found not guilty, the case is dismissed.