



5TH AMENDMENT

5th Amendment–

A part of the U.S. Constitution that protects you from *(a)* being forced to talk to the police when you are arrested, or *(b)* being forced to testify against yourself in court. The

“right to remain silent” and “pleading the fifth” come from this amendment.



ADJUDICATION

Adjudication–

The decision made by the judge at the end of a trial. The judge may say that the defendant is guilty, not guilty or that the charges are dismissed.



**ADULT CRIMINAL COURT/
COURT OF RECORD**

Adult Criminal Court / Court of Record–

A Court where trials for adults are held. Adult Criminal Court is a Court of Record because everything that happens at an adult trial is written down by a Court reporter. That written record is open for anyone to read.



ALLEGATION

Allege / Allegation–

To say that someone did something. Something that someone says happened. A statement of the issues in a written document (*a pleading*) which a person is prepared to prove in court.



APPEAL



Appeal–

You can make an appeal after your trial is over.

When you make an appeal, you ask a higher court to decide whether the trial that just ended was done the right way.

To have your case heard over again in a higher Court by a different judge.

Reasons to appeal:

- The judge said you were guilty and you want another chance.
- You think the punishment the judge gave you was not fair.



BAILIFF

Bailiff–

An officer of the court who maintains order in the courtroom and protects the judge.



ARRAIGNMENT

Arraignment–

The first time you go in front of a judge for a hearing in a criminal case.

At your arraignment,

- You will hear the charges against you, the defendant.
- A lawyer will be given to you if you cannot pay for one.
- You will enter your plea.
- You can plead not guilty, guilty, or no contest.



ATTORNEY

Attorney-

An attorney is a lawyer. Lawyers are licensed to practice law in court. They know how courts work. Defense attorneys, prosecutors and guardians *ad litem* are all attorneys.



ATTORNEY-CLIENT PRIVILEGE

Attorney-Client Privilege–

(1) A defense lawyer must protect and keep secret any information his client tells him, unless the client gives the lawyer permission to tell someone else.

(2) Attorney–client privilege is important because a lawyer can do a better job of helping a young person in court if the young person has told him everything that happened.



BENCH TRIAL

Bench Trial–

(1) In a bench trial, the judge decides the verdict: whether the defendant is guilty or not guilty.

(2) All trials in juvenile court are bench trials, because the judge decides all the verdicts.



BEYOND A REASONABLE DOUBT

Beyond a Reasonable Doubt–

The amount of proof needed for the judge or the jury to find a defendant guilty in a criminal trial. Proof that makes us sure that the charge is true.



BURDEN OF PROOF

Burden of Proof–

The state has the job or responsibility (*burden*) to prove that the defendant in a criminal case is guilty of the offense “beyond a reasonable doubt”.



CHARGE

Charge–

What the prosecutor says a defendant did that is against the law.



COMMUNITY SERVICE

Community Service–

Work the court makes you do. The Court orders you to do this work for no pay. The court may require a defendant who has been found guilty to do community service as part of a sentence, or as an easier punishment in a plea agreement.



CONVICT / CONVICTION

Convict / Conviction–

To find someone guilty of an offense at the end of a Court trial.

A decision by a judge or jury that the defendant is guilty at the end of a trial.



COURT-APPOINTED ATTORNEY

Court-Appointed Attorney–

Attorney or lawyer who was chosen by the judge to help and represent a defendant, when the defendant cannot pay the lawyer. A Court-appointed lawyer helps a defendant

by defending him in court.



Court Clerk–

A Court worker who handles the business of a Court, keeps papers for each case, and helps the judge run the Court.

COURT CLERK



Court Reporter–

A court reporter records or types all of the words spoken during a trial in Adult Criminal Court. She keeps a record of everything that happens in a Court of Record.

COURT REPORTER



Cross Examination–

After a witness is questioned by one lawyer, the lawyer for the other side asks the witness questions.



CROSS EXAMINATION



DEFENDANT

Defendant–

- The person who is accused of breaking the law.
- The person who is charged with an offense or a crime.



DEFENSE ATTORNEY

Defense Attorney / Lawyer for the Defense–

The lawyer who:

- Is on your side.
- Helps tell the judge your side of the story.
- Helps you get the easiest punishment or the best deal.
- Protects your rights.



DETENTION HEARING

Detention Hearing–
Court hearing to decide whether the court will make the young person stay in the juvenile detention center.



Disposition or Sentence–

The punishment or consequences the judge gives you, if you are found guilty. A disposition is the punishment given in juvenile Court. A sentence is the punishment given in adult criminal Court.

DISPOSITION / SENTENCE



EVIDENCE

Evidence–

Information used to prove that the young person is guilty or not guilty.

Evidence is information that helps the Judge or the jury decide whether a defendant is guilty or not guilty.



Felony–

A serious charge or offense. Some felony charges can result in the defendant being transferred to adult criminal court for trial if the defendant is old enough.



FELONY



GRAND JURY

Grand Jury–

A group of people who listen to evidence of criminal charges presented by the prosecutor. The grand jury decides whether there is probable cause, or good reason, to

believe that the defendant did something that was against the law.



GUARDIAN AD LITEM

Guardian *ad litem*–

A lawyer given to a young person by the court to guard or protect the best interests of that young person.

A guardian *ad litem* does not defend against criminal charges.



GUILTY

Guilty–

A decision by the judge or a jury that the prosecution has proven in court that the defendant committed an offense.



HELPING YOUR LAWYER

Helping your Lawyer–

The best way to help your lawyer is to:

- Tell the truth.
- Tell all of the story, even the parts you think might get you into trouble (including the

details like who, what, when, where and why).

- Tell about all possible witnesses and evidence.



INDICT / INDICTMENT

Indict / Indictment–

The formal charge from a grand jury stating that there is enough evidence that the defendant broke the law, or committed an offense, to have a trial.



**INNOCENT UNTIL
PROVEN GUILTY**

Innocent Until Proven Guilty–

Before you go to trial, the judge or jury thinks you are not guilty. You will only be found guilty if the prosecution is able to prove to the court “beyond a reasonable doubt” that you broke the law (*committed the offense*).



JUDGE

Judge–

- Is the Boss of the courtroom.
- Decides if you, the defendant, are guilty or not guilty in a bench trial. The judge's decision is based on evidence and the testimony of witnesses.
- Gives punishments to defendants found guilty in juvenile trials.
- Makes sure that trials are fair, and that defendants' rights are protected.



JURY

Jury–

- In adult criminal court, a group of people that listens to the evidence and to the testimony of the witnesses. Then, the jury decides if the defendant is guilty or not guilty.
- Juries usually have 12 people. All 12 members of the jury must agree on a verdict of “not guilty” or a verdict of “guilty”.



JUVENILE DETENTION CENTER

Juvenile Detention Center -

A locked building where the court may place young people because they have been charged with an offense, or because the court has found them guilty of an offense.



LAWYER

Lawyer–

A lawyer is an attorney. Lawyers know what to do and what to say in court. Lawyers are licensed by the state to practice law in court. Defense attorneys,

prosecutors and guardians *ad litem* are all lawyers.



MIRANDA RIGHTS

Miranda Rights–

You have the right to know that if you are arrested **(1)** you have a right to have your lawyer in the room whenever anyone asks you questions; **(2)** you have the right to remain silent; and **(3)** anything you say can and will be used against you in court.



MISDEMEANOR

Misdemeanor–

A criminal offense that is less serious than a felony offense.



NO CONTEST

No Contest–

- A plea that means that the defendant will not “contest” or argue against the charge.
- The judge will treat a “no contest” plea as an admission of responsibility; however, it is not a guilty plea.
- There will not be a trial, just sentencing by the judge.



NOL. PROS. (*nolle prosequi*)

Nol. Pros.

(*nolle prosequi*)–

What a prosecutor says when he is not going to prosecute a case. A motion by the prosecutor to the Court to dismiss a criminal charge.



NOT GUILTY

Not Guilty–

- 1)** A plea by a defendant to say he did not do the offense and he is not guilty.
- 2)** A verdict in a criminal case when the judge or jury determines that the prosecutor has not proven that the defendant is guilty of a charge.



Closing Arguments–

The final speeches made by the defense lawyer and the prosecutor to a jury or judge, to explain what the attorneys say the evidence has proved.

CLOSING ARGUMENTS



OATH

Oath–

A promise that a person makes to tell the truth in court.



OBJECTION

(Sustained / Overruled)

Objection

(Sustained / Overruled)–

When a lawyer asks the judge to decide if a question to a witness in court is fair or legal.

If the objection is **sustained**, the witness does not have to answer.

If the Judge **overrules the objection**, the witness must answer.



Opening Arguments–

Speeches made first by the prosecutor and then by the defense lawyer at the beginning of a trial, before evidence is introduced, to tell the judge and/or jury what to expect.



OPENING ARGUMENTS



PERJURY

Perjury–

When a witness lies in court after swearing to tell the truth (*promising to tell the truth*).

Perjury is a crime.

Perjury is a felony offense.



PLEA

Plea–

A defendant's official answer in the courtroom to a criminal charge.

A defendant can enter a different plea for each charge.

Examples of a plea may include "not guilty," "guilty," or "no contest".



PLEA AGREEMENT / PLEA BARGAIN

Plea Agreement / Plea Bargain–

A deal that is offered to the defendant by the prosecutor. If the defendant accepts a plea agreement, he agrees to plead guilty, possibly in exchange for:

- Reduced charges, and/or
- Dropping some of the charges against him.

A defendant who agrees to a plea bargain gives up the right to a trial and the right to appeal.

- A lesser punishment, and/or



PLEA COLLOQUY

Plea Colloquy–

- The judge asks you questions to make sure that you are making a plea knowingly, intelligently, and voluntarily.
- If you accept a plea agreement, then you must answer the judge's questions in the courtroom so that the

judge can know that you understand

- the charges against you,
- that you are voluntarily pleading guilty to the charges against you,
- the rights you will lose when you plead guilty, and
- the punishment you will receive if the judge accepts the plea agreement.



PRELIMINARY HEARING

Preliminary Hearing–

During a preliminary hearing **(1)** the charges against the defendant will be read; **(2)** the defendant will be asked to say whether his plea is “not guilty,” “guilty,” or “no contest” to each charge;

(3) The prosecutor tries to prove to the judge that there is “probable cause” that an offense has been committed and that the defendant committed the offense.



PROBABLE CAUSE

Probable Cause–

A reasonable belief that a person has committed a crime.

The amount and quality of information that police must have before they can search or arrest a suspect

or before the case can go to trial.



Probation Officer–

An officer of the court who reports to the Judge. He supervises young people for the court. The probation officer makes sure juveniles follow their probation rules and the court's orders.

PROBATION OFFICER



PROSECUTOR

Prosecutor–

A government lawyer who investigates and tries criminal cases.

The prosecutor brings information, evidence and witnesses to court to prove to the judge or to the jury that a defendant is guilty.



RESTITUTION

Restitution–

Returning things or money to the owner.

In a criminal case, the defendant may be required to return stolen property, or to repay the victim for things that were stolen or to make up for harm done.



RIGHTS

Rights–

Privileges that each person in the United States has because of laws, the Constitution or the Bill of Rights. Examples of rights include the freedom of speech, the freedom of religion, the right to a trial, the right to an attorney, the right to remain silent, and the right to appeal.



Self-Incrimination–

Telling on yourself.

Testifying against yourself during a criminal trial.



SELF-INCRIMINATION



Testify/Testimony–

To answer questions in court. When a witness tells the judge or the jury in court what he has seen or heard.

TESTIFY/TESTIMONY



Transfer hearing–

When you go in front of a judge for a hearing in juvenile court, to decide whether you can or should be transferred to adult criminal court to be tried as an adult.

TRANSFER HEARING



VERDICT

Verdict–

The final decision by the judge or jury at the end of a trial that the defendant is guilty or not guilty.



Victim–

A person who says he was injured or hurt.

VICTIM



WITNESS

Witness–

A person who testifies in court to the judge or the jury about what he saw or heard during the offense; or a person who has an important opinion about the case (*an expert witness*).