

Glossary of Legal Terminology

This list should be used only as a guide in interpreting criminal record information is not in any way intended for legal advice.

Acquittal. The legal and formal certification of the innocence of a person who has been charged with crime; a deliverance or setting free a person from a charge of guilt; finding of not guilty.

Arraignment. Procedure whereby the accused is brought before the court to plead to the criminal charge against him in the indictment of information.

Capias. The general name for several species of writs, common characteristic of which is that they require the officer to take a named defendant into custody.

Conviction. The result of a criminal trial which ends in a judgment or sentence that the accused is guilty as charged.

Criminal complaint. In criminal law, a charge, preferred before a magistrate having jurisdiction, that a person named, has committed a specific offense, with an offer to prove the fact, to the end that a prosecution may be instituted.

Criminal plea. The defendant's response to a criminal charge (guilty, not guilty, or nolo contendere).

Defendant. The party against whom relief or recovery is sought or the accused in a criminal case.

Discovery. The pre-trial devices that can be used by one party to obtain facts and information about the case from the other party in order to assist the party's preparation for trial.

Dismissal. An order of judgment finally disposing of an action, suit, motion, etc., without trial of the issues involved.

Dismissal without prejudice. Term meaning dismissal without prejudice to the right of the complainant to sue again on the same cause of action.

Dismissal with prejudice. Term meaning an adjudication on the merits, and final disposition, barring the right to bring or maintain an action on the same claim or cause.

Evidence. Any species of proof, or probative matter, legally presented at the trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, exhibits, concrete objects, for the purpose of inducing belief in the minds of the court or jury as to their contention.

Expungement of record. Process by which record of criminal conviction is destroyed or sealed after expiration of time.

Felony. A crime of a graver or more serious nature than those designated as misdemeanors.

Grading of crime. Higher or lower in grade or degree, according to the measure of punishment attached and meted out on conviction and the consequences resulting to the party convicted, for example first, second, or third degree murder.

Grand jury. Body of citizens, the number of whom varied from state to state, whose duties consist in determining whether probable cause exists that a crime has been committed and whether an indictment should be returned against one for such a crime.

Indictment. A formal written accusation originating with a prosecutor and

issued by a grand jury against a party charged with a crime. An indictment is referred to as a "true bill", whereas failure to indict is called a "no bill".

Information. An accusation exhibited against a person for some criminal offense, without an indictment. A written accusation made by a public prosecutor, without the intervention of a grand jury.

Judgment of conviction. A judgment conviction shall set forth the plea, the verdict or findings, and the adjudication and sentence.

Magistrate. An inferior judicial officer, such as a justice of the peace.

Misdemeanor. Offenses lower than felonies and generally those punishable by fine, penalty, forfeiture or imprisonment otherwise than in penitentiary.

Nolle prosequi. A formal entry upon the record by the prosecuting attorney in a criminal action, by which he declares that he will no further prosecute the case, either as to some of the defendants or altogether.

Nolo contendere. A plea in a criminal case which has similar legal effect as pleading guilty. Type of plea which may be entered with leave of court to a criminal complaint or indictment by which the defendant does not admit or deny the charges; *complaint may not be brought before a Civil court at a later date, should no criminal conviction result (section in italics not included in definition provided by below referenced source)*

Parole. Release from jail, prison, or other confinement after actually serving part of sentence. Conditional release from imprisonment which entitles parolee to serve remainder of term outside confines of an institution.

Plaintiff. A person who brings an action. A person who seeks remedial relief for an injury of rights; it designates a complainant.

Prosecute. To proceed against a person criminally.

Quash. To vacate or make void as in to quash an indictment.

Summons. In criminal law, a written order notifying an individual that he or she has been charged with an offense directing the person to appear in court to answer the charge.

Suspended sentence. In criminal law, a suspended sentence means in effect that the defendant is not required at the time sentence is imposed to serve the sentence.

Warrant for arrest. A written order of the court which is made on behalf of the state or United States and is based upon a complaint issued pursuant to statute and/or court rule and which commands law enforcement to arrest a person and bring them before court.

Reference: Black's Law Dictionary, Sixth Edition. By: Henry Campbell Black, Published: St. Paul, MN, West Publishing Co, 1990.