

Adult Justice System Glossary

The following terms may be used in the course of the Adult Criminal Justice Process.

Accused - a person or entity accused of committing a crime.

Acquitted - the term used when a jury or Judge returns a verdict of not guilty, which means that the jury or Judge did not find that the State proved the defendant committed the crime beyond a reasonable doubt.

Appeal - the process by which a defendant requests his/her conviction is reviewed by a higher court.

Arraignment - the first court appearance in District Court at which the defendant is brought before a Judge to be informed of the charges, enters a plea and further court dates are set.

Arrest - the process of taking a person accused of a crime into custody by a law enforcement officer.

Assistant County Attorney (Prosecutor) - an attorney employed by the Linn County Attorney's Office whose job is to prosecute those accused of committing a felony and misdemeanor crime(s) in Linn County.

Bond/Bail - the amount of money a Judge determines is sufficient to release an accused and assure his/her attendance at a later hearing. The accused must post a portion of the bond or is liable for losing the total amount if the accused fails to appear in court.

Charging - the initial legal process where the prosecutor files court papers (by Criminal Complaint or Trial Information) accusing a person of committing specific crime(s).

Cross-examination - questions asked of a witness by the attorney for the party who did not call the witness to testify.

Defendant - a person or entity charged with committing a crime.

Defense Attorney - an attorney employed by the defendant or the Public Defender's Office or Linn County Advocates Office whose job is to represent the defendant's interests in criminal proceedings.

Deposition - an interview of a witness set by court order, taken under oath and recorded by a court reporter.

Direct Examination - questions asked by the attorney who called the witness to testify at trial.

Discovery - the process by which the prosecutor and defense attorney learn of the evidence the other party will present at trial.

Disposition - the final result of a criminal case. This may be by a finding of guilty, not guilty, dismissal or a plea of no contest.

Felony - a criminal charge which is punishable by imprisonment of more than one year in the State Department of Corrections.

Grand Jury - a group 9 to 16 citizens of Linn County who hear evidence presented by the prosecutor and determine if probable cause exists.

Guilty - plea that a defendant enters in court admitting that he/she committed the crime; a verdict returned by a jury or Judge finding that the prosecution has proven beyond a reasonable doubt that the defendant committed the crime(s).

Indictable Misdemeanor - a criminal charge which is punishable by a fine or incarceration in the county jail for a maximum of one year.

Initial Appearance - a court hearing within 24 hours of a person's arrest at which time a Judge determines if the person may be released on personal recognizance or by bond and setting a time for a preliminary hearing in felony cases or arraignment in misdemeanor cases.

Investigation - the process of collecting evidence by law enforcement officers to determine if a crime has been committed.

Judge - an attorney who is appointed by the Governor to preside over a District Court or an individual that is elected to preside over a Magistrate Court.

Jury - a group of citizens sworn to hear testimony and evidence at a trial and decide if the defendant is guilty or not of committing the crimes(s).

- a court in a precinct in the county that hears misdemeanor cases occurring in the county and preliminary hearing for felony case. This court also hears civil cases when the dollar amount in dispute is less than \$10,000.

Mistrial - a trial ends when a rule of criminal procedure has been violated or if the jury cannot reach a unanimous decision.

Motions - a written or oral request by the prosecutor or defense attorney for the Judge to take a specific action.

No Contest Plea (Alford Plea) - a plea that a defendant enters in court in which he/she does not contest the facts presented by the State, but does not admit guilt. Except under extremely rare circumstances, the court will enter a finding of guilty.

Not Guilty Plea - a statement that a defendant enters at arraignment denying committing the crime(s).

Personal Recognizance - a Judge may allow a person accused of a crime with sufficient ties to the community to insure that he/she will return for future court dates to be released from custody without posting bond.

Plea Agreement (Plea Bargain) - an agreement between the prosecutor and the defendant in which the defendant agrees to plead guilty or no contest to avoid a trial.

Preliminary Hearing - a court hearing in which probable cause is determined.

Pre-Sentence Report - a report prepared for a Judge by a pre-sentence investigator of the Linn County Adult Probation Department describing the crime, the past behavior of the defendant, the impact of the crime on the victim and recommendation for sentence.

Pre-Trial Conferences (Pretrial Hearings) - court appearances in District court before the trial at which motions are heard and the Judge monitors the status of the case.

Pretrial Interviews - informal interviews conducted by the prosecutor or defense attorney before the trial at which victims and witnesses are questioned about their knowledge of the crime(s). Victims have the right to refuse to submit to a pre-trial interview conducted by the defendant, the defendant's attorney, or an investigator for the defendant.

Probable Cause - the amount of proof needed to determine that a crime occurred and the defendant committed the crime in order to proceed with the prosecution in criminal indictable and felony offenses.

Restitution - the amount of money that the Judge orders the defendant to pay the victim as a condition of the defendant's sentence for the victim's out-of-pocket losses directly related to the crime.

Rule 11 Evaluation - a psychiatric evaluation to determine if the defendant can assist in his/her defense and is competent to stand trial.

Sentence - the determination of the Judge of the punishment that the accused person is to receive.

Subpoena - a written order requiring a person to appear in court at a specific date to give testimony.

District Court - a trial court presided over by a Superior court Judge in which all felony cases are held, all civil cases in which over \$10,000 are in dispute, and in which appeals are heard from Municipal or Justice Court.

Trial - a court proceeding where testimony is presented to a Judge or a jury to determine if the defendant is guilty of committing the crime(s).

Verdict - the unanimous decision of the jury or Judge at the end of the trial that the defendant is guilty or not guilty of committing the crime(s).

Victim - an individual, business or neighborhood association against whom a crime is committed.

Warrant - a legal order to a law enforcement agency to arrest the person named in the order.

Witness - a person who has seen or knows something about the crime