

Key Legal Terms

- **Acquittal:** A final determination by a judge or jury that the prosecution did not prove the defendant was guilty beyond a reasonable doubt.
- **Arraignment:** A court proceeding at which a defendant is brought before a judge, informed of the charge(s) against him/her, and a plea – usually not guilty – is entered.
- **Closing Argument:** After all testimony and evidence has been presented at trial, the prosecutor and defense lawyer each makes a final statement summarizing his/her case.
- **Complaint:** A document filed by the prosecution accusing one or more persons of committing one or more crimes.
- **Continuance:** A delay in court proceedings ordered by a judge for a variety of reasons.
- **Conviction:** A final determination that the Defendant committed the crime(s) as charged. A conviction occurs when a judge or jury finds the Defendant guilty or when the Defendant pleads guilty or no contest.
- **Felony:** A crime that may be punished by confinement in prison or jail, by fines, by forfeiture of office and – for murder and other specific crimes – by death.
- **Grand Jury:** A 23-member panel of citizens empowered to hear evidence presented by the prosecution and issue charging documents, which are called indictments.
- **Misdemeanor:** A crime that is punishable by no more than one year in county jail or generally a \$1,000 fine.
- **Motion:** A written or verbal request asking a judge to make a legal ruling in a case.
- **Opening Statement:** Before any testimony or evidence is presented at trial, the prosecutor and defense lawyer each makes a statement outlining evidence he/she expects to present.
- **Plea:** A Defendant's answer to the charge(s) against him/her. A defendant may plead not guilty, guilty or no contest.

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- **Preliminary Hearing:** A court proceeding in felony cases at which the prosecution must present evidence to support the charge(s) filed against a Defendant. A judge decides if the evidence is sufficient and if the DA-2520-A 01/21 case should proceed toward trial.
- **Presumption of Innocence:** A principle of criminal law that requires prosecutors to prove the guilt of a criminal Defendant and eliminates any burden the defendant has to prove his/her innocence.
- **Reasonable Doubt:** A standard of proof that must be surpassed to find a Defendant guilty of a crime; a doubt based on reason and common sense after careful and impartial consideration of all the evidence.
- **Restitution:** Money paid to a victim who suffered financial losses such as stolen property, medical bills and funeral expenses resulting from a crime.
- **Sentencing:** A court proceeding at which a judge sets a convict's punishment. This may include a prison, jail or probation term or other conditions.
- **Subpoena:** A legally binding summons to appear in court.
- **Testimony:** Any statement made, or answer given, by a witness who is under oath in court. Witnesses may encounter two forms of questioning:
 - **Direct Examination** is the initial questioning of a witness by the attorney who called that person to testify. Both prosecutors and defense lawyers may call witnesses.
 - **Cross-Examination** is the questioning of a witness by the opposing lawyer who did not call that person to testify. Cross-examination is intended to clarify or discredit testimony given during direct examination.
- **Verdict:** The jury's final unanimous decision determining if a defendant is guilty or not guilty. If jurors cannot reach a unanimous verdict, a judge will declare a mistrial and the Defendant may face a new trial before a new jury.