

GLOSSARY OF CRIMINAL JUSTICE TERMS

Arraignment

A hearing at which the defendant in a criminal case is officially presented with the charges against him or her. It is when he or she makes a plea of not guilty, guilty, or nolo contendere.

Arrest

Occurs when a police officer takes a person into custody for the purpose of charging that person with a crime. An arrest requires probable cause.

Burden of Proof

The cumulative amount of proof that the prosecution must put forward to prove its case. In a criminal case, the prosecution has the sole burden and must prove guilt "beyond a reasonable doubt." The defense in a criminal case has no burden of proof and wins automatically if the prosecution fails to prove guilt beyond a reasonable doubt.

Double Jeopardy

Refers to the fact that a person cannot be tried twice for the same crime. However, double jeopardy only attaches when there has been a conviction or an acquittal for a crime. Double jeopardy also does not protect against separate trials and convictions by the state and federal governments for the same crime.

Felony

Generally, a felony is any crime punishable by incarceration of more than one year.

Jail Diversion

A program that allows a person charged with a crime to avoid a criminal trial and conviction in exchange for doing community service, undergoing psychiatric treatment, paying a fine, or other alternative disposition.

Mens Rea

The mental-intent element of a crime. Most crimes require not only that the defendant committed a specific act, but also that the defendant intended to commit that act.

Misdemeanor

Generally, a misdemeanor is any crime that is punishable by a jail term of one year or less.

Plea Bargain

A deal arranged by the defendant's lawyer and the prosecutor under which the defendant pleads guilty to a particular crime in exchange for the prosecution agreeing not to prosecute the defendant for a more serious crime.

***P*resumption of Innocence .**

The legal presumption that all persons are not guilty of any crime unless and until the prosecution proves guilt beyond a reasonable doubt. Presumption of innocence is closely tied to burden of proof in a criminal case.

***P*robable Cause**

The standard that police must meet to make an arrest. Probable cause is satisfied when the police officer believes that a crime has been committed and the person to be arrested committed that crime.

***P*robation/
Suspended Sentence**

These essentially mean that a defendant convicted of a crime avoids going to jail for the term of the sentence for that crime on the condition that particular requirements are met – usually that the defendant stays out of trouble for the period of probation or suspended sentence.

***P*ro Bono**

Work that a private attorney does without charging a fee. Many attorneys, even very good ones, will take at least one ~~bro~~ bono case per year.

***P*ublic Defender**

A lawyer who works for a federal, state, or local agency that operates like a public law firm and provides criminal defense for persons who cannot afford to provide their own defense.

***G*agnon**

A hearing occurs when a probationer is taken into custody for an alleged violation hearing; this first hearing determines if the probation should remain in custody or be released back into the community. A Gagnon II hearing is the final revocation procedure.

***N*olle prosequi**

Meaning “be unwilling to pursue”, a phrase amounting to “do not prosecute”. It is phrase used in many common law criminal prosecution contexts to describe a prosecutor’s decision to voluntarily discontinue criminal charges either before trial or before a verdict is rendered. It contrasts with an involuntary dismissal.