Commonly Used Terms in the Criminal Court System

Arraignment - A court hearing that establishes the identity of the defendant, the defendant is informed of the charges and of their rights. The defendant is required to enter a plea of guilty or not guilty. This is the final preparatory step before the criminal trial. This is the initial appearance of a criminal defendant that takes care of all preliminaries.

Citation - Notice to appear in court due to the probable commission of a minor crime. Failure to appear can result in a warrant for the defendant's arrest.

Conviction - Where a defendant is found guilty of a crime.

Defendant - Person accused of a crime.

Defense Attorney - An attorney who represents the defendant.

Felony - A criminal offense more serious than a misdemeanor, which is punishable by incarceration in the state penitentiary.

First Appearance - The first time the defendant comes into court either in person or by an attorney. An attorney may represent the defendant in a misdemeanor case once the notice of appearance is filed. The defendant learns in the arraignment that they have a right to counsel so if the notice of appearance is filed the attorney doesn't even have to show.

Guilty Plea - Admission of guilt by a defendant in court. This will alleviate the need for trial.

Infraction - Minor traffic offenses. An infraction is not a crime but is a civil public offense for which there is a penalty and for which there can be no jail time imposed.

Misdemeanor - A criminal offense punishable by incarceration in the county jail for up to one year.

Pre-Sentence Investigation - In felony cases, the judge orders a pre-sentence investigation into the defendant's background to assist the Court in determining an appropriate sentence. A presentence report is written and provided to the judge, the prosecutor and the defense attorney. A victim has the right to make a statement in the pre-sentence report.

Preliminary Hearing - A hearing in a felony case to determine if there is enough evidence for felony charges to proceed to trial in District Court.

Probable Cause - Sufficient facts to believe a crime has been committed or that certain property is connected with a crime. Probable cause must exist for a law enforcement officer to make an arrest without a warrant, search without a warrant, or seize property in the belief the items were evidence of a crime.

Prosecutor - An attorney who represents the citizens of the State in prosecuting criminals.

Sentence - After being found guilty a judge may choose to order any of the following for a defendant: imprisonment, probation, fine, restitution.

Trial - Proceedings before a judge or judge and jury examining evidence, hear arguments, deciding legal and factual questions to get a final decision.

Warrantless Arrest - An arrest that is made after an individual is detained due to probable cause. No warrant was issued.