

## GLOSSARY OF TERMS

**48-72 hour fine stay-** When payment of a fine is due within 48-72hours, sometimes called a "fine stay for 48 – 72 hours."

**acquittal:** In criminal cases, the legal and formal certification of the innocence of a person who has been charged with a crime.

**advisement of rights:** The formal explanation of constitutional rights to a defendant.

**aggravation:** Circumstances that increase the seriousness or enormity of a given crime, and that in turn increases the wrongdoer's penalty or punishment.

**allegation:** A statement, declaration or claim that is made and hasn't been proved to be true or false.

**allege:** To say, state, declare, claim, or charge that something is true even though it has not been proven yet.

**amend:** To change or add to a that has been filed in court; to alter by modification, deletion, or addition for the better by removing defects of faults.

**appeal:** When someone that loses at least part of a case asks a higher court, called an "appellate court", to review the decision and say if it was right. The side that appeals is called the "appellant". The other side that answers the appeal is called the "appellee".

**appeal bond:** A bond amount set in order to begin the appeal process; the appellant is bound to pay the costs if he fails to prosecute the appeal.

**appearance:** Going to court or a legal paper that says you will participate in the court process on a particular date and time indicated.

**appellant:** The side on a case that appeals a court's decision.

**appellate court:** A court that can review how the law was used to decide a case in a lower court, called the trial court.

**appellee:** The side on a case that answers an appeal in higher court.

**arrest:** A situation in which the police detain a person in a manner that, to any reasonable person, makes it clear the person is not free to leave. A person can be "under arrest" even though the police have not announced it; nor are handcuffs or physical restraint necessary.

**attorney:** Someone that is qualified to represent clients in court and to give them legal advice.

**attorney of record:** The lawyer whose name is listed in a case record as representing someone in the case.

**arraignment:** A court appearance in which a person, the defendant, is formally charged by a judge with a crime and asked to respond by pleading "guilty", "not guilty", or "nolo contendere".

**arrest warrant:** A document issued by a judge or magistrate that authorizes the police to arrest someone.

**bail:** A security deposit, usually money, paid to the court to release a defendant or witness from custody and ensure that the arrested person who is released from jail will appear at all required court appearances.

**bail bond:** A legal document from the bondsman and given to the court as security and representation of money posted for a defendant's release. For instance, a defendant who cannot afford to pay his bail in its entirety may pay a certain portion or deposit to the bondsman, is let out of jail, and promises to make all future required court appearances. If the defendant fails to appear for a court hearing, the judge can issue a warrant for his arrest and threaten to "forfeit," or keep, the money if the defendant does not appear soon. Usually, the bondsman will look for the defendant and bring him back, forcefully if necessary, in order to avoid losing the bail money.

**bail bond exoneration:** When a defendant gets the bail back or gets a release issued by the court. The court is satisfied that there are no future court appearances needing a guarantee of appearance by a bail bondsman, insurance ("surety") company or individual who posted the bail bond.

**bail bond forfeiture:** A court order that allows the court to keep the bail deposited by the surety because the defendant did not appear in court on the date they signed to appear.

**bench:** The desk where a judge sits in court; or, the word "bench" is used for "judge" or "judges" in general. For example, a bench trial is a trial by judge.

**bench warrant:** An order given by the judge, or "bench", to arrest a person.

**beyond a reasonable doubt:** a standard by which an accused's guilt must be established. It is the burden of proof the prosecution must carry and establish in a criminal trial to obtain a guilty verdict. Reasonable doubt is sometimes explained as being convinced "to a moral certainty." The facts proven must, by virtue of their probative force, establish guilt. The judge or jury must be convinced that the defendant committed each element of the crime before returning a guilty verdict.

**Bond:** A written agreement purchased from a bonding company that guarantees a person will properly carry out a specific act, such as showing up in court. If the person who purchased the bond fails at his or her task, the bonding company will pay the aggrieved party an amount up to the value of the bond.

**Bondsman:** a person representing an insurance company and guarantees the appearance of the defendant in court; sometimes called a surety or bail bondsman.

**calendar:** A list, in alphabetical order, of all the cases in each courtroom every day. "To calendar" something means to give a day, time, and courtroom to a case.

**case number:** Identification number that the court assigns a case. This number is on all papers filed in the case. For instance in the Municipal Court, a case number may look like "03M01234."

**Certificate of Discharge:** a court document that releases the bondsman from liability of the bail that was posted. Basically, there are no future court dates needing a guaranteed appearance

through the security posted by the bail bondsman. The document is presented to the bondsman as a bond release.

**challenge for cause:** Reasons that a lawyer gives for removing a juror from a case during Voir Dire.

**charge:** In criminal law, an accusation of a crime.

**citation:** A court order, ticket, or summons that tells a defendant what the charges are. Also tells the defendant to go to court and/or fine due.

**cited:** When a defendant has been notified to appear and has signed a ticket promising his/her appearance in court on a certain day.

**concurrent sentences:** Sentences you can serve at the same time. For example, if one charge has a sentence of 90 days in jail and there is another charge with a sentence of 60 days in jail, a defendant will serve a total of 90 days in jail for both charges.

**consecutive sentences:** Sentences that you serve one after the other. For example, if one charge has a sentence of 60 days in jail and there is another charge with a sentence of 45 days in jail, a defendant will serve a total of 105 days in jail for both charges.

**contempt:** a willful disregard or disobedience to a public authority or court order; an act which embarrasses, hinders, or obstructs the honor, respect, or authority of the court. This includes ignoring or disobeying a court order such as: failing to comply or failing to appear as ordered by the court. Punishment for each charge of contempt can be a fine and/or jail time.

**conviction:** When a judge or jury finds a defendant guilty or the defendant enters a plea of “guilty” or “no contest” resulting in a judgment or sentence that the accused is ‘guilty’ as charged.

**counsel:** an attorney who represents, advises, and assists a defendant in regard to a legal matter.

**court appointed attorney:** an attorney appointed by the court to represent a defendant who cannot afford to hire one on his own and faces jail time for a charge he/she is accused of committing.

**court order:** A legal decision issued by the court. It is a command or directive to either do or refrain from doing some act. For example, a judge may order a defendant from entering the mall for a year or may order a defendant perform 24 hours of public service.

**court trial:** A trial without a jury. A judge decides the case.

**criminal violation:** A breach of right, duty, or law where the party named is issued a document sometimes called a criminal summons and complaint in which a prosecutor charges a defendant with a crime. In Municipal Court, these crimes are misdemeanors. The information tells the defendant what crime he is charged with, against whom and when the offense allegedly occurred, but the prosecutor is not obliged to go into great detail. If the defendant wants more specifics, he must ask for it by way of a discovery request.

**cross-examination:** The testimony a witness gives when the other side is asking the questions at a trial, hearing, or deposition.

**closing argument:** The final statements by both sides to the court or jury. Closing arguments summarize the evidence that they think they established and the evidence that they think the other side has failed to establish.

**decision:** The outcome of a proceeding rendered by a judge, referee, mediator, or other legal tribunal. "Decision" is a general term often used interchangeably with the terms "judgment" or "opinion." To be precise, however, a judgment is the written form of the court's decision in the register of actions, clerk's minutes, or notes, and an opinion is a written document setting out the reasons for reaching the decision.

**defendant:** In a criminal case, the person accused of the crime.

**defense:** When referring to sides, the defendant's side. In a criminal case, the reasons why a defendant should not be convicted of the charge(s).

**defense attorney:** In a criminal case, the lawyer that represents the accused, or defendant.

**direct examination:** At trial, the initial questioning of a party or witness by the side that called him or her to testify.

**discovery:** A formal investigation, governed by court rules, that is conducted before a trial. Discovery allows a party to question other parties, including witnesses. It also allows one party to force the others to produce requested documents or other physical evidence. Discovery can be accomplished through depositions, interrogatories, or request for admissions. It can also be done through independent investigation or by talking with the other side's lawyer. In some cases, by law the prosecutor must turn over to the defense any witness statements and any evidence that might tend to exonerate the defendant. Depending on the rules of the court, the defendant may also be obliged to share evidence with the prosecutor.

**dismiss with prejudice:** When a court dismisses a case and will not allow any other suit to be filed on the same claim in the future.

**dismiss without prejudice:** When a court dismisses a case but will allow other suits to be filed on the same claim.

**disposition:** The final decision by the court on each charge of a case.

**docket:** A record with the complete history of each case a court hears. It contains short chronological summaries of the court proceedings.

**elements of a crime:** The component parts of crimes. For example, "shoplifting" may be defined by four parts to prosecute the charge of shoplifting. Each of those four parts is an element that the prosecution must prove beyond a reasonable doubt.

**extenuation:** Rendering a crime less aggravated, or reprehensible than it would otherwise be.

**exhibit:** A document or an object shown and identified in court as evidence in a case. The court assigns an identifying letter or number in alphabetical or numerical order before exhibits can be offered as evidence.

**finding:** The result of the deliberations of a judge or jury; to announce a conclusion upon a disputed fact or state of facts. A recital of the facts found.

**foreperson:** When the jury first meets to decide a case, they vote to pick one member of the jury as their foreperson. The foreperson is in charge of making sure that discussions take place in an orderly way, that the case and issues are fully and freely discussed, and that every juror has a chance to participate in the discussion. When the jury finishes deciding the case, the foreperson counts the votes and completes and signs the verdict form.

**guilty:** A court decision that a defendant committed a crime. Or when a defendant admits and enters a 'guilty' plea that he/she committed a crime.

**guilty plea:** When a person admits in court that he or she is guilty of the crime charged in a traffic or criminal complaint.

**hearing:** A formal court proceeding with the judge that usually occurs before a trial when parties ask the judge to decide a specific issue, for example in an interim basis such as: release of an animal from the Humane Society. Evidence and arguments are heard to resolve the disputed factual or legal issue.

**home detention:** When an electronic device is put on a prisoner's body to keep track of where the prisoner goes in the community and what the prisoner does. In the Municipal Court, juveniles may be sentenced up to 10 days home detention on a charge.

**illegal parking:** Violation of local parking regulations.

**impound:** To seize and hold in the custody of the law; generally used to refer to objects or animals, not people.

**incarcerate:** To put in jail.

**incriminate:** To hold yourself or another person responsible for criminal actions.

**indigent:** This term usually refers to a person that is poor, needy, and has no one to look to for support.

**infraction:** A minor violation of a law, contract, or right that is not a misdemeanor or a felony and can't be punished by time in prison. A minor violation of the law that is punishable only by a fine--for example, a parking ticket.

**in limine:** Latin for "at the beginning" or "at the threshold," such as a motion in limine at the beginning of trial to ask that certain evidence be excluded.

**innocent:** Found by a court to be not guilty of criminal charges; acquitted.

**instructions to jury:** Instructions given by a judge to a jury immediately before they decide a case, telling the jury what laws apply to that case.

**interpreter:** A person that is certified as being able to translate, orally or in writing, spoken or sign language into the common language of the court.

**judge:** An official of the judicial branch of government with authority to decide lawsuits brought before courts. The term "judge" may also refer to all judicial officers, including Supreme Court justices.

**judgment:** A final court ruling resolving the key questions in a lawsuit and determining the rights and obligations of the opposing parties. The final decision of the judge stating which party has won the case and the terms of the decision. Most judgments can be appealed by the losing party, except judgments issued by default.

**judicial:** Belonging to or appropriate to the office of a judge; relates to the administration of justice.

**judicial officer:** Judges, referees, and commissioners that make court decisions as a judge.

**jurisdiction:** The legal authority of a court to hear and decide a case. The geographic area, the territory, subject matter, or persons over which lawful authority may be exercised by a court.

**juror:** A person selected to be on a jury.

**jury:** A group of citizens chosen according to law and authorized to decide a case and render a decision, called a verdict. A jury in the Municipal Court shall consist of three (3) persons, unless a greater number, not to exceed six (6), is requested. The philosophy behind the jury system is that an accused's guilt or innocence should be judged by a group of people from his/her community or "a jury of his/her peers").

**jury trial:** a trial that is heard and decided by a jury.

**jury commissioner:** The local official responsible for giving the court lists of qualified potential jurors.

**jury instructions:** The guidelines given by the judge at the beginning and end of a trial that explain what the law in the case is and how the jurors should evaluate the evidence.

**jury roster:** The list of jurors potentially picked to decide a case; a list of all the potential jurors asked to appear in court for possible service on a jury

**juvenile:** A person who is less than 18 years of age.

**lawyer:** A person qualified to represent clients in a court of law and to advise them on legal matters. A person who has passed the state bar examination and is licensed to practice law in that state.

**mandatory:** Required, ordered.

**marshal:** A unit of the Colorado Springs Police Department that has the power to arrest, to serve legal papers, subpoenas and to act as the law enforcement authority in the courtroom.

**mediation:** A process in which people that are having a dispute are helped by a neutral person (or people) to communicate so they can reach a mutually satisfactory solution acceptable to both without going to court. The mediator and the parties usually agree on their own informal ways to proceed.

**minor:** A person under the age of 21 years.

**misdemeanor:** In the Municipal Court, criminal charges are punishable by up to 90 days in jail.

**mitigation:** A reduction or diminution of a penalty or punishment. It does not constitute a justification or excuse of the offense in question but in fairness may be considered in extenuation.

**motion:** An oral or written request that a party makes to the court for a ruling or an order on a particular point. A "motion to reduce bail" asks the court to lower the amount of bail needed to release the defendant from custody and guarantee that he or she will appear in court when required. A "motion to release on own recognizance (OR)" asks the court to let a defendant go without paying bail if the defendant agrees to appear when the court tells him or her to. A "motion to set" asks the judge to set a date for a future trial. A "motion to quash" asks the court to make something void or ineffective, such as to quash a subpoena.

**municipal court:** a judicial tribunal authorized to hear infractions of city ordinance and code enacted by the City of Colorado Springs City Council. The Municipal Court hears cases relating to parking, traffic, and criminal cases in which the Plaintiff in the suit is the City of Colorado Springs.

**nolo contendere:** From the Latin for "I do not wish to contend" and means "no contest." A plea of nolo contendere has the same effect on a criminal case as a plea of guilty, but may not be taken as an admission of guilt for any other purpose. For example, a plea of nolo contendere may have the same effects of fine and/or jail time that a 'guilty' plea may have.

**not guilty:** A plea entered by the accused or defendant; a finding entered by the court based on the lack of evidence presented at trial.

**notice:** A written announcement or warning. For example, a notice to the other side that on a certain date a particular motion will be made in court.

**objection:** A formal protest made by a party over testimony or evidence that the other side tries to introduce.

**offense:** An act that violates or breaks the law.

**opening statement:** A statement made by an attorney or defendant at the beginning of a trial that outlines the party's legal position and what they intend to prove. The purpose of an opening statement is to familiarize the judge or jury with what it will hear and why it will hear it.

**order:** A decision by a judge or other judicial officer. A decision on an issue before the court and may direct someone to do something or refrain from doing something. It is not to be confused with judgment.

**order to show cause:** A court order from a judge that directs a party or witness to appear in court and present evidence as to why the order requested in the show cause should not be granted or executed. For example, an order to show cause may be issued for failing to attend Level 1 traffic school. If there is a suspended fine amount, then the court will want the defendant to answer why the suspended fine should not be imposed for failing to attend the Level 1 traffic school as previously ordered by the court.

**ordinance:** A regulation made by a local government to establish, enforce, control, or limit certain activities. City of Colorado Springs City Council issues ordinances that affect people who live or do business within the city's boundaries.

**personal recognizance (PR):** When a person is released from custody and not required to pay bail because of his or her promise to come to court to answer a criminal charge.

**penalty:** Punishment for breaking a law.

**peremptory challenge:** In a jury trial during Voir Dire, or jury selection, it is an opportunity to dismiss or excuse potential jurors without explaining a reason for the dismissal. Both sides have an equal number of challenges. The potential juror is free to leave and excused from service.

**perjury:** In an official proceeding, a person knowingly makes a false statement in open court, in an affidavit, or in evidence of any form, after affirming or swearing under oath to the truth of statements to be made.

**personal service:** Personal delivery of court papers by handing a copy to the person that is served.

**plea:** In a criminal case usually at the arraignment, the defendant's formal answer to the charges against them. A plea may be "guilty", "not guilty", or with the consent of the court, "nolo contendere".

**plea agreement:** A signed negotiation between the prosecution and defense that settles a case before trial. A plea agreement is generally offered at the Pretrial Conference where the defendant typically agrees to plead guilty to a lesser crime, usually by amending the charge, rather than pleading guilty to the original charge. Sometimes the defendant pleads guilty to the original charge but a reduced sentence is stipulated between parties. The plea agreement is beneficial to all parties. The prosecution gets the certainty of a conviction and a known sentence; the defendant avoids the risk of a higher sentence; and the judge moves on to other cases.

**presentence investigation:** A report prepared by the probation department for the judge when sentencing a defendant. Many times a judge will accept the plea of "guilty" but before sentencing the individual, ask that a presentence investigation (PSI) be done for the purposes of gathering more information that will help the judge make a proper determination of sentencing. Some items included in a PSI might be: a brief description of the defendant's background, job, school, family status, circumstances surrounding the incident, criminal history record, and recommendation for sentencing.

**presiding judge/justice:** In a court with more than 1 judicial officer, the judge/justice that acts as administrator of the court's business. This position at the Municipal Court is rotated among 12 judges every two years.

**pretrial conference:** A meeting with the deputy city attorneys to discuss circumstances surrounding the incident at question. Pretrial conferences are held to see if the parties can arrive at a mutually agreeable disposition to settle the case without having to go to trial.

**proceedings:** Generally, the process of conducting judicial business before a court or other judicial officer. A "proceeding" refers to any one of a number of steps in the process of a case from commencement to post-judgment hearings.

**pro se:** From the latin for "in one's own behalf", a person who represents him/herself on their own cases without legal representation.

**prosecute:** To charge someone with a crime and then try them for it in court. A prosecutor tries a case on behalf of the City of Colorado Springs.

**prosecuting attorney:** A public officer that prosecutes cases on behalf of the city; sometimes referred to as "city attorney."

**quash:** To vacate; to overthrow; to abate; to set aside. For example, to quash a warrant.

**record:** The Municipal Court is a court of record. All court proceedings are recorded via audiocassette. A written account of the proceedings in a case, including all register of actions, pleadings, exhibits, and judgment submitted on a case.

**redirect examination:** An examination of a witness by the direct examiner subsequent to the cross-examination.

**recuse:** To excuse or be excused from a court proceeding because of conflict of interest, usually by the judge or prosecutor. For example, a judge may recuse himself because of personal or professional relationship with one of the parties.

**referee:** A person appointed by the court to hear and make decisions on limited legal matters, like parking tickets, and some traffic, and criminal offenses.

**register of actions:** The official permanent court record of chronological actions or events in a court case.

**reinstated bail:** When bail that had been forfeited, reduced, or increased and is restored to its original amount.

**reset:** To put on the court calendar again.

**self-incrimination:** The making of statements that might expose you to criminal prosecution, either now or in the future. The 5th Amendment of the U.S. Constitution prohibits the government from forcing you to make statements that can possibly be used against you or that may lead to your prosecution for a crime.

**sentence:** A judge's formal pronouncement of the punishment to be given to a person convicted of a crime. A sentence in the Municipal Court can range from a \$500 fine and/or 90 days in jail for each charge.

**stay order:** An order issued by a court stopping court proceedings until a further, specified event takes place.

**stay of execution:** An order issued by a court stopping court action until a further specified time. For example, a defendant fails to appear for his court date. A judge may issue a bench warrant for

\$300 with a stay of execution for 24 hours. A judge may grant a 24 hour stay of execution on issuing the warrant to allow time for the defendant to appear in court since there were circumstances beyond his control. However, should he not appear within 24 hours, the bench warrant will issue.

**stipulation:** An agreement on an issue or sentence on a plea agreement between parties to a case.

**subpoena:** An official court order by one of the parties to a case requiring the appearance of a witness to appear at a specified court date and time.

**subpoena duces tecum:** An official court order for a person to bring documents or records to a specified court proceeding, place and time at the request of a party to a case.

**summons and complaint:** A notice to a defendant that charge(s) against him or her are being filed in the court and the defendant must appear at the court date and time indicated or can pay the fine if an amount is listed and they do not wish to contest the charges.

**surety bond:** An insurance policy taken out by a defendant with a national insurance company in which the insurer agrees to pay the court the amount of bail required for the defendant's release if the defendant fails to come to court when he or she is supposed to.

**suspended sentence:** A conviction of a crime results in a sentence where portion of the sentence is not actually served or paid. However, if the defendant fails to pay or complete a condition to his sentence, a judge may order a show cause why the suspended sentence should not be re-imposed. In criminal law, this means the defendant doesn't have to serve the sentence at the time the sentence is imposed.

**testify:** To give evidence under oath as a witness or party in a court proceeding.

**testimony:** Oral evidence presented orally by witnesses during trials, hearings, and proceedings.

**traffic violation:** A breach of right, duty, or law of prescribed rules of conduct for the orderly and safe flow of motor vehicular movement.

**transcript:** A written, word-for-word record of what was said at a court proceeding: arraignment, hearing, motion, or trial or some other formal conversation like a hearing.

**trial:** A court process in which the issues of fact and law are heard and decided according to legal procedures so a judicial officer or jury can make a decision in the case. Can be either be a bench trial where a trial is heard and decided by a judge; or, a jury trial where a trial is heard and decided by a jury.

**verdict:** The final decision about the guilt or innocence of a defendant made by a judge or jury.

**violation:** A breach of a right, duty, or law.

**voir dire:** The process by which judges and lawyers select members of the jury. Questions are asked of the prospective jurors so that the parties can make sure each juror can fairly decide the case.

**waiver:** To give up a legal right voluntarily, intentionally, and with full knowledge of the consequences.

**waiver of rights:** A voluntary, intentional relinquishment of know rights by a defendant. For example, a defendant may enter into a plea agreement and waive his right to trial where the city would have to prove their case beyond a reasonable doubt.

**warrant:** A written order issued and signed by a judge or judicial officer directing a peace officer to take specific action. Usually bench warrants are ordered to arrest and bring a person to court because the person failed to appear in court when they were supposed to.

**witness:** In a court case, a person called by either side who testifies under oath as to provide firsthand account or expert testimony or evidence before the judge or jury.