

GLOSSARY OF TERMS

Warrant – A written order from a judge that a person be arrested. If you are a victim or witness, the warrant is based on a written statement about the crime in which you were involved.

Bail – The amount paid or pledged by the Defendant to make sure he or she will appear in Court.

Preliminary Hearing – A hearing, usually in General Sessions Court, to determine if there has been reason to believe that a crime has been committed and the Defendant committed it. If so, the case will be “bound over” to the Grand Jury. Victim’s appearance is required if subpoenaed or requested.

Grand Jury – An independent group of private citizens who listen to information about the crime to decide whether the case should go to trial.

Indictment – If the grand jurors decide that a case should go to trial, they “return” an indictment charging the Defendant with the crime or crimes committed.

Arraignment – In Criminal Court it is the first scheduled appearance by the Defendant. The indictment returned by the Grand Jury is read and the Defendant is given a copy. Arraignments are made for an attorney for the Defendant and future court dates are set.

Plea Agreement – Most Defendants plead guilty. Once a Defendant decides to plead guilty, it is up to the District Attorney’s Office to work out an agreement to present to the Judge. The Defendant may agree to plead guilty to the crime(s) charged or to a lesser offense, and there may be an agreement that the District Attorney’s Office will recommend a sentence to the Judge. The Judge may accept or reject the plea. Although you will not decide what sentence is given, the District Attorney’s Office is interested in your point of view.

Trial – The court proceeding in which the District Attorney presents the case for the State, attempting to prove beyond a reasonable doubt that the Defendant committed the crime as charged. The Defendant may present proof to dispute the State’s claim. Usually, the Defendant chooses whether a Judge or a twelve-person jury will decide the case. If you are needed as a witness, you will be notified or subpoenaed.

Victim’s Impact Statement – You will be given the opportunity to provide a written impact statement to be submitted by a probation officer as part of the presentence report to be reviewed by the Court prior to sentencing. If you wish to make an oral statement at the time of sentencing, please contact the District Attorney’s Office prior to the hearing.

Sentencing Hearing – After a Defendant’s guilty plea is accepted or he or she is found guilty after trial, the Judge decides what happens. The Defendant may be sent to prison or jail, or the sentence may be “suspended,” and the Defendant put on probation. Probation means the Defendant is not imprisoned if he or she does what the Judge has required.