

## **Criminal Justice Glossary**

**Accused** - A person or persons formally charged but not yet tried for committing a crime.

**Acquittal** - A **legal** judgment, based on the decision of either a jury or a judge, that an accused is not guilty of the crime for which he/she has been charged or tried.

**Adjudication** - The judicial decision that ends a criminal proceeding by a judgment of acquittal, conviction, or dismissal of a case. This term is also used in juvenile proceedings.

**Admissible Evidence** - Evidence that is relevant and proper for consideration in reaching a decision.

**Affidavit** - A written, sworn statement in which the writer swears that the information stated therein is true.

**Appeal** - A request by either the defense or the prosecution parties to a case that the results of a decision on certain motions or of a completed trial be reviewed by a higher court for error.

**A.F.I.S. / Automated Fingerprint Identification System:** A highly specialized biometric system that compares a submitted fingerprint record to a database of records, to determine the identity of an individual.

**Arraignment** - A court appearance at which the defendant is formally charged and is asked to enter a plea of guilty, not guilty, or no contest. In felony cases, an arraignment follows a preliminary hearing.

**Bail** - The amount of money a judge determines sufficient to release an accused and assure his or her attendance at later hearings. The accused can lose the total amount of bail if he or she fails to appear for court.

**Bail or Bond Review** - The defense may ask for a hearing date for a bail or bond review. A bail or bond review is a request that a judge reviews the case and determines if bail or conditions of bond should be changed.

**Bench warrant** - A court order which directs that an accused person who has been released before trial and fails to return when ordered to do so be brought to court.

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**Biological Evidence** - Evidence commonly recovered from crime scenes in the form of hair, tissue, bones, teeth, blood or other bodily fluids.

**Chain of Custody** - A record of individuals who have had physical possession of the evidence and the process used to maintain and document the chronological history of the evidence.

**Change of venue** - Transfer of a pending case in one county or district to another county or district; often sought because of claimed prejudicial publicity in the original county or district.

**Charge** - A formal accusation filed by the prosecutor's office that a specific person has committed a specific crime, also referred to as pressing charges and filing a criminal complaint.

**CODIS** - CODIS stands for Combined DNA Index System. It is a computer network that allows the comparison of DNA profiles of convicted offenders. Learn more about [CODIS on the FBI's website](#).

**Continuance** - A delay or postponement of a court hearing; the case is said to be "continued" when it has been delayed or postponed.

**Conviction** - A judgment of the court based either on the decision of a jury or a judge or on the guilty plea of the accused, that the defendant is guilty of the crime for which he/she has been tried.

**Corroborating witness** - A person who is able to give information that supports the statements made by either the victim or the accused.

**Count** - Each separate offense listed in a complaint, information or indictment accusing a person of committing a crime.

**Complaint** - The formal document prepared by the DA based on police reports. It lists the charges and some of the evidence against the offender. The complaint is filed with the Clerk of Court.

**Concurrent or consecutive sentences** - Concurrent sentences are sentences for different offenses running together or served at the same time; consecutive sentences are successive sentences served one after another.

**Confer** - To talk with the district attorney or designee about the criminal case. The discussions may include plea agreements, and possible outcomes.

**Contempt of Court** - Disobeying a court order which can result in a fine or incarceration.

**Cross Contamination** - The undesirable transfer of material between two or more sources of physical evidence.

**Defendant** - The person charged with a criminal offense. This is the person alleged to have committed a particular crime.

**Defense Attorney** - The defendant's attorney.

**District Attorney** - Under state law, the prosecuting officer who is an elected official and who represents the State in each of its prosecutorial units. Also called a 'prosecutor' or 'DA'.

**Due Process** - The right of accused persons (defendants) to receive notice of the charges against them, be present at the trial, provide evidence to the court, and face a jury of their peers. Due process rights, guaranteed in the United States Constitution, can also be described as every person's right to a fair trial.

**Exclusion** - A DNA test result indicating that an individual is excluded as the source of the DNA evidence. In a criminal case, "exclusion" does not necessarily equate to "innocence." Exclusion occurs when one or more types from a specific location in the DNA of a known person are not present in the type(s) for that specific location in the DNA obtained from an evidence sample.

**Exculpatory evidence** - Any evidence that supports the defendant's claim of innocence or may show he is guilty of a lesser crime than that with which he is charged.

**Felony** - A crime that may be punishable by confinement in a state prison, generally for a term exceeding one year.

**Inclusion (Failure to Exclude)** - The inability to exclude an individual as a possible source of a biological sample. This occurs when all types from a specific location in the DNA of a known individual are also present in the types for that specific location in the DNA obtained from an evidence sample.

**Initial Appearance** - A defendant's first appearance in court. A judge reads the charges, sets bail, and appoints an attorney if one is needed. In felony cases, a date is often set for arraignment or preliminary hearing. In misdemeanors, the initial appearance is also the arraignment and the defendant enters a plea.

**Jury Instructions** - An instruction given by the court to a jury at the conclusion of presentation of all evidence in a trial, and after the lawyers' closing arguments, to advise the jury of the law that applies to the facts of the case, and the manner in which they should conduct their deliberations.

**Jury Trial** - A panel of citizens who are selected to listen to the facts of the case and decide whether the State (represented by the District Attorney) has proven its charge beyond a reasonable doubt.

**Known Samples** - A DNA sample for which the source is known. These samples are generally obtained from the victim and/or suspected perpetrator of a crime, as well as from other persons whose DNA might be reflected when samples of the evidence are analyzed (could include a boyfriend, husband, or other third-party). These samples are also referred to as reference samples, since they serve as a reference to which the unknown DNA samples are compared with the goal of identifying the source of the unknown DNA samples.

**Latent print** - A print impression that is not readily visible, made by contact with a surface.

**Likelihood ratio** - The ratio of two probabilities of the same event under different hypotheses. In DNA testing often expressed as the ratio between the likelihood that a given profile came from a particular individual and the likelihood that it came from a random unrelated person.

**Major contributor profile** - A DNA profile where multiple individuals have contributed biologic material and one individual's DNA profile is more apparent.

**Marker** - Pieces of DNA sequence of known locations on chromosomes that are used to identify the specific genetic variations an individual possesses.

**Match** - Genetic profiles are said to "match" when they have the same allele designations at every loci.

**Material** - Relevant and significant in a lawsuit (i.e., material evidence), as distinguished from evidence that is totally irrelevant or of such minor importance that the court will ignore it, rule it immaterial if there are objections, or not allow lengthy testimony on such a matter.

**Misdemeanor** - A crime that may be punishable by confinement to a county jail, generally for one year or less.

**Mitochondrial DNA (mtDNA)** - The DNA found in the many mitochondria found in each cell of a body. The sequencing of mitochondrial DNA can link individuals descended from a common female ancestor.

**Motions** - An oral or written request about a legal question made by the prosecutor or the defense attorney before, during, or after a trial. Motions are filed to make a decision about some legal aspect of the case.

**Mutation** - Damaged or changed DNA anywhere along the DNA strand.

**No Contest Plea** - In general, this means that the defendant accepts the criminal charges, but does not admit guilt. In turn, the court usually finds the defendant guilty.

**Nonmatch** - An individual is eliminated as the source of a biological sample. This occurs when one or more types from a specific location in the DNA of a known individual are not present in the type(s) for that specific location in the DNA obtained from an evidence sample.

**Nuclear DNA** - The DNA found in the nucleus of a cell.

**Nucleus** - The cellular organelle that contains most of the genetic material.

**Partial Profile** - DNA evidence that does not yield identifiable results in all 13 core loci.

**Partially Degraded DNA** - Forensic DNA evidence exposed to environmental conditions that may prevent it from yielding a usable profile.

**Paternal Inheritance** - Genetic material which is inherited from one's father; for example, the possibility that mtDNA can be inherited from one's father.

**Plea Agreement** - A proposed resolution to the case. A plea agreement is between the district attorney, the defense attorney and the offender and is done in an effort to resolve the case and hold the offender accountable.

**Polymerase Chain Reaction (PCR)** - A process used in DNA identification testing in which one or more specific small regions of the DNA are copied using a DNA polymerase enzyme so that a sufficient amount of DNA is generated for analysis.

**Preliminary Hearing** - A hearing in felony cases in which the prosecuting attorney attempts to establish that a crime was committed and the defendant committed that crime. If probable cause is established, the case will proceed. If not established, the case is dismissed.

**Pre-sentence report** - A document which details the past behavior, family circumstances, and personality of a convicted offender and gives information about the crime he or she committed. It is prepared by a probation agency to assist the court in determining the most appropriate sentence.

**Presumptive Test** - A screening test used to indicate the possible presence of the named body fluid.

**Pretrial** - An opportunity for the attorneys to review the case, exchange discovery and discuss any possible offers and. Agreed upon dispositions.

**Pretrial Motions** - Motions that are made before the actual trial. After the preliminary hearing and before a trial, the prosecutor and the defense team appear before the criminal court judge and make pretrial motions. These motions can be for varied reasons like certain evidence should be kept out of the trial or that certain persons must or cannot testify, or that the case should be dismissed altogether etc.

**Privilege** - Those communications, written or verbal, between certain classes of persons which cannot be reached by the opposition in the dispute-resolution process.

**Probability of Exclusion** - The probability that a random individual would be excluded as the source of analyzed DNA evidence.

**Probability of Inclusion** - The probability that a random individual would be included as a potential source of analyzed DNA evidence.

**Probable Cause** - A determination by the court that more likely than not, a criminal act occurred and was committed by the defendant accused.

**Probation** - An alternative to serving time in prison, some individuals convicted of a crime are allowed to remain free in society, but have restrictions on their daily activities and are supervised. Violation of probation can result in a prison sentence, additional restrictions, or a change in conditions of supervision.

**Prose** - When the defendant is representing him/herself in court and is not represented by an attorney, as when he/she has waived the right to counsel in a proceeding.

**Prosecution** - In criminal law, prosecution refers to the government attorney charging and trying the case against a person accused of a crime; a common term for the government's or state's side in a criminal case.

**Prosecutor** - The District Attorney, Deputy District Attorney, Assistant District Attorney or Special Prosecutor who has been asked or appointed to review and handle a specific case.

**Random Match Probability** - The probability that the DNA in a random sample from the population has the same profile as the DNA in the evidence sample.

**Reference Samples** - A standard/reference sample is material of a verifiable/documented source which, when compared with evidence of an unknown source, shows an association or linkage between an offender, crime scene, and/or

victim (e.g., a carpet cutting taken from a location suspected as the point of transfer for comparison with the fibers recovered from the suspect's shoes, a sample of paint removed from a suspect vehicle to be compared with paint found on a victim's vehicle following an accident, or a sample of the suspect's and/or victim's blood submitted for comparison with a bloodstained shirt recovered as evidence).

**Restitution** - An amount of money set by the court that the offender is ordered to pay the victim(s) of a crime.

**Sentence** - A sentence is what a judge or jury formally pronounces after a criminal defendant has been found guilty; the sentence is the legal consequence of the crime.

**Sentence, Concurrent** - Sentences that are served at the same time.

**Sentence, Consecutive** - Sentences that are served one after the other.

**Sequencing** - Used in DNA testing, the determination of the order of base sequences in a DNA molecule.

**Sequestration** - An order by the court that witnesses not speak to one another during the course of a court proceeding, and may include exclusion from the courtroom during other testimony.

**Shaft** - The portion of a hair between the root and the tip.

**Subpoena** - A legal order requiring a person to appear in court to testify as a witness or to produce documents, data or other physical evidence created or in his or her possession.

**Substrate** - Any background material upon which biological sample has been deposited (e.g., clothing, glass, wood, upholstery).

**Summons** - The document by which a defendant is notified to appear in court, and answer charges or claims against him/her.

**Trace evidence** - Physical evidence that results from the transfer of small quantities of materials (e.g., hair, textile fibers, paint chips, glass fragments, gunshot residue particles).

**Trial** - An official hearing of the facts in court. With physical evidence and testimony, the DA attempts to prove the defendant's guilt beyond a reasonable doubt.

**Venue** - The jurisdiction in which a prosecution or an action is brought to trial.

**Victim Impact Statement** - An oral and/or written statement that is presented to the court at the time of sentencing. A Victim Impact Statement is a victim's opportunity to tell the court how the crime affected them emotionally, financially and physically.

**Waiver** - Voluntary surrender of a right, claim or privilege.

**Warrant** - A legal order to a law enforcement agency to arrest the person named in the order. A warrant is usually issued for an offender who fails to