



Glossary of Terms

State Resource Guides

Acquittal

The legal and formal determination that there is not enough evidence to prove that a person charged with a crime committed the crime.

Apology Letter Bank

Considered a form of restorative justice, apology letter banks allow individuals convicted of crimes to write letters of apology to the victim. Letters accepted into a Letter Bank remain there until victims choose to receive the letters. The Letter Bank is a safe system for the victim to receive a letter of apology from the convicted person when and if desired. Sometimes referred to as Accountability or Responsibility Letter Banks.

Appeal

A legal process in which a person who has been convicted asks a higher court to review the decision of a lower court in order to reverse or change the conviction based on errors that may have occurred during the trial.

Appellate Court

A higher court that reviews the decisions of lower courts. Appellate courts do not retry the case. The court reviews trials for fairness and legal issues.

Arrest the Judgment

A legal motion made after a conviction, requesting the court to stop or "arrest" the judgment because of an error in the legal process, such as improper charges or lack of evidence.

Assistant District Attorney (ADA)

A lawyer for the state who represents the interests of the general public (also known as the prosecutor or ADA).

Brief

A written legal document presented to a court by the attorneys that outlines the arguments, relevant laws, and supporting evidence for their side of the case.

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Case Law

The law that has been created by earlier published court decisions. Case law is distinct from the Constitution, state and federal statutes, and administrative regulations.

Civil Commitment

The court-ordered confinement of a person to a treatment facility, usually because they are considered a danger to themselves or others, often for mental health reasons.

Civil Suit

A lawsuit where one party sues another. Civil suits usually involve private disputes such as personal injury or property damage and do not involve criminal charges and punishment. For example, a civil suit may be filed by victims seeking money from the person convicted of the crime.

Claimant

A person who makes a legal claim or demand, such as in a civil case, seeking compensation or another remedy from the court.

Clemency

A form of mercy granted by a governor or president to reduce a convicted person's punishment or to forgive their crime entirely.

Commutation

The reduction of a convicted person's sentence to a less severe punishment. It does not erase the conviction but lessens the penalty.

Concurrent Sentence

Allows a person convicted of multiple crimes to serve sentences for those crimes at the same time, rather than one after the other.

Consecutive Sentence

A person convicted of multiple crimes must serve each sentence one after the other, extending the total time in custody.

Continuance

A legal delay in a court proceeding often requested by either party to gather more evidence, prepare for trial, or accommodate scheduling conflicts.

Conviction

The formal finding by a court that a person is guilty of a crime, following a trial or a guilty plea.

Conviction Review or Conviction Integrity Unit

A special unit within a prosecutor's office that reviews cases where there may be evidence that a person was wrongfully convicted, focusing on ensuring justice by investigating potential errors.

Defendant

The person who is accused of committing a crime in a criminal case or is being sued in a civil case.

Defense Attorney

The attorney representing the defendant (or person accused of a crime) in criminal or civil proceedings. Defense attorneys for clients who cannot pay are known as public defenders.

Department of Corrections (DOC)

The agency responsible for the custody and rehabilitation of incarcerated individuals.

Deposition

A formal statement taken under oath, usually outside of court, where witnesses or other parties provide testimony that can be used during a trial or hearing.

Determinate Sentence

A fixed sentence set by the court, where the convicted person knows exactly how long they will serve, with no possibility for changes.

Direct Appeal

The first appeal that can be made to a higher court after a conviction, where the convicted person challenges issues from the original trial.

Discovery

The process in which both parties in a legal case exchange information and evidence before a trial, including documents, witness lists, and other material important to the case.

Dismissal with Prejudice

A judge's decision to terminate the prosecution of a pending charge in a case after which the same criminal charge cannot be brought against the convicted person at a later date.

Disposition

The outcome or resolution of a legal case, such as a conviction, acquittal, or settlement.

Earned Credits (Good Time)

A specified period earned by incarcerated individuals by successfully participating in rehabilitative programs operated by correctional facilities, and is applied as a reduction to the amount of time a convicted person is to be incarcerated.

Exculpatory

Clearing or tending to clear from fault or guilt.

Exoneration

Occurs when a person who has been convicted of a crime is officially cleared and the charges are dismissed after new evidence of innocence becomes available.

Expunge

To erase or remove a conviction or arrest from a person's criminal record, as though it never happened.

Felony

A serious crime that typically results in a sentence of imprisonment for more than one year, such as murder, robbery, or serious drug offenses.

Furlough

A temporary, authorized release from prison, often for family emergencies, medical reasons, or rehabilitation programs.

Good Time Credit

Time reduced from an incarcerated person's sentence as a reward for good behavior, participation in programs, or rehabilitation efforts while incarcerated.

Habeas Corpus – Federal

A legal process by which a person in custody can challenge their detention as unconstitutional in federal court after they have exhausted state remedies.

Habeas Corpus – State

A legal procedure allowing an incarcerated person to challenge their imprisonment based on violations of constitutional rights within the state court system.

Hearing

A legal proceeding, usually less formal than a trial, where arguments, evidence, or testimony are presented to resolve legal issues or disputes.

Indeterminate Sentence

A prison sentence that doesn't have a fixed end date. Instead, the incarcerated person is eligible for parole after serving a minimum portion of the sentence.

Indigent

A person who lacks the financial resources to afford an attorney or other necessary legal services and may qualify for a court-appointed lawyer.

Judgment

A court's final decision.

Jurisdiction

The legal authority of a court to hear and decide a case, based on factors such as the location of the crime or the type of law involved.

Medical Release or Pardon

The early release of an incarcerated person due to serious illness or injury, usually because they no longer pose a threat to society or cannot be cared for in prison.

Misdemeanor

A less serious crime than a felony, typically punishable by less than one year in jail or other penalties like fines or community service.

Mitigation or Mitigating Circumstances

Factors related to the commission of a crime or the individual convicted of a crime which do not excuse a criminal act but may reduce the severity of the sentence for that act.

Motion

A formal request made to the court by one of the parties in a legal case, asking for a specific ruling or order on an issue.

Notice

A legal document or communication that informs a party about a legal action or hearing, ensuring they are aware of and can respond to it.

Notice of Appeal

A formal document filed by the losing party in a trial, informing the court that they intend to seek a review of the decision by a higher court.

Notification

The constitutional or statutory right given to victims of crime to be informed about changes in the convicted person's status in matters affecting their case.

Offense

An act or behavior that breaks a law, either a crime or a minor violation (like a traffic ticket).

Oral Arguments

Presentations made by attorneys to a judge or appellate court, outlining their legal positions and answering questions from the court.

Pardon

An official act of forgiveness by a governor or president that frees a convicted person from punishment and erases the legal consequences of the crime.

Parole

The conditional release of an incarcerated person from prison before their sentence is fully served, under supervision and specific conditions.

Parole Board

A panel that reviews cases of eligible incarcerated persons and decides whether they can be released on parole based on behavior, rehabilitation, and other factors.

Parole Hearing

A hearing to determine whether a person who is incarcerated should be released before the expiration of their term of imprisonment.

Parole Revocation

The cancellation of parole, that sends a person back to prison for violating the conditions of their parole.

Petitioner

A person who starts or takes an appeal from a judgment.

Post-Conviction Proceedings

Legal processes after a conviction where the convicted person challenges their conviction or sentence, often based on new evidence or constitutional violations.

Post-Trial Motions

Formal requests made to the court after a trial, asking for changes in the trial's outcome, such as a new trial, reduced sentence, or dismissal.

Prison

A state or federal facility where people convicted of serious crimes (felonies) are incarcerated for long-term sentences.

Pro Se

Representing oneself in a legal case without the assistance of an attorney.

Probation

A court-ordered period of supervision in the community, instead of imprisonment, where the person must follow certain conditions set by the court.

Probation Revocation

A withdrawal of the court-ordered term of probation based upon the convicted person's failure to comply with their conditions of release.

Proceedings

All steps and actions taken during a legal case, from the initial filing through trial, hearings, and appeals. The definition of proceedings may vary in different states.

Protective Order (No-Contact Order)

An order from the court forbidding a party in a legal action (criminal or civil) from having direct or indirect contact with another party. Violations are usually enforced as contempt of court and could result in revocation of probation or parole. They may also be referred to stay away orders, restraining orders, or protective orders.

Recall Sentence

When a court reconsiders and potentially reduces or changes a previously imposed sentence, usually for reasons of fairness or due to new circumstances.

Reply

A written argument filed by a defense attorney during appeal to respond to the prosecution's written arguments.

Restitution

The money paid by a convicted person to a victim for losses or damages caused by the crime, such as medical bills or property repair.

Revocation Hearing

A meeting to determine whether a person's probation or parole should be taken away due to violations, possibly sending them back to prison.

Right to be Heard

Allows victims to present their views, concerns, or evidence in court, ensuring their voices are part of the legal process.

Second or Successive Appeal

An additional attempt by the convicted person to introduce new evidence, information, or case law into his appeal.

Sentence

The punishment ordered by the court after a person is convicted of a crime, which can include imprisonment, fines, probation, or other penalties.

Supreme Court vs. State Supreme Court

The U.S. Supreme Court is the highest federal court that can review cases from any U.S. court, while state supreme courts are the highest courts within their respective states.

Suspended Sentence

A conviction of a crime followed by a sentence that is given, but not actually served. The defendant is not required to serve the sentence at the time that the sentence is given by the court.

Time Served

A period of time spent in confinement during the pendency of a case, before a conviction and sentence, which is subtracted from the amount of time an individual is required to be incarcerated.

Unreasonable Delay

Too much delay in legal proceedings, which may violate a person's right to a timely trial or decision.

Vacate Conviction or Sentence

The court sets aside the conviction or sentence, as if it never happened, often due to new evidence or legal mistakes.

Victim Advocate

A trained professional who provides support, information, and assistance to crime victims, helping them navigate the legal system and access resources.

Victim Compensation

Financial help provided by the government to help crime victims cover expenses related to the crime, such as medical bills, lost wages, or funeral costs. Every state and the District of Columbia has a crime victim compensation program.

Victim Impact Statement

A written or oral statement given by a crime victim during sentencing, explaining how the crime affected their life, which the court may consider in determining the sentence or release.