

Glossary of Terms

The Glossary of Terms defines some of the most common legal terms in easy-to-understand language. Terms are listed in alphabetical order.

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A

Acquittal - A decision by a judge or a jury that the person accused is not guilty of the crime for which they were tried.

Affidavit - A sworn statement primarily used to justify the issuance of an arrest warrant or a search warrant.

Allegation - In a legal setting, a claim or assertion that has yet to be proven or established as a fact.

Appeal - A request that another, higher court review the decision of a lower court. A defendant has a right to appeal his/her conviction, but the prosecution cannot appeal an acquittal.

Arraignment - An initial appearance where the defendant is advised of the charges against him/her.

Arrest Warrant - A written order from a judge or magistrate directing a law enforcement officer to take a person suspected of a crime into physical custody.

Assistant District Attorney General - An attorney for the State in criminal cases; a prosecutor.

Attachment - A warrant that is issued by a court to have someone arrested for such things as failure to appear in court or contempt of court.

B

Bail - An agreement to pay the court system as security for the release of a defendant from jail; often used interchangeably with "Bond". Bail can be made with cash, property or with a surety.

Bailiff - Someone employed to provide security, to keep order in the courtroom, and to do other tasks as directed by the judge.

Bench - The place in the courtroom where the judge sits; can also refer to the judge personally or to the court.

Bench Trial - A trial conducted before a judge without a jury with the judge deciding whether a defendant is guilty or not guilty.

Bench Warrant - Similar to an arrest warrant; an order issued by a judge to bring a person before his/her court.

Beyond a Reasonable Doubt - The degree of proof needed for a jury or a judge to convict a person accused of a crime.

Bind over - Refers to when a criminal charge is sent to the grand jury for further action.

Bond - See "Bail".

Bond Forfeiture - An action by the court to collect money owed when a defendant failed to appear.

Bonded Arraignment - A court proceeding whereby a person charged with a crime who is out on bond or has been released on a misdemeanor citation is advised of the charges against him/her and is given the option to hire an attorney, to request a court-appointed attorney, or to represent himself/herself.

Booking - A procedure that includes fingerprinting and photographing designed to identify a person charged with a crime.

Burden of Proof - Level of proof required at various stages of prosecution.

C

Capital Case - Refers to a first-degree murder case in which the death penalty is an option, has been sought, or has been received.

Citation - A charging instrument where the person is not arrested and taken into custody, but instead, is ordered to appear in court or otherwise respond to the charge against him/her; may or may not require citation booking.

Citation Booking - A procedure where the defendant who is misdemeanor cited or served with a criminal summons is required to appear on a designated date and at a designated time for the booking process, which includes fingerprinting and photographing the defendant.

Cited Court - The court where state traffic citations, Knox County ordinances, and TWRA offenses are heard.

Clerk - A person employed to assist the court system by keeping its records; entering its judgments; etc.

Concurrent Sentence - Running together; when two or more sentences are served at the same time.

Consecutive Sentence - Successive; one sentence after another; when one sentence begins at the completion of another.

Complainant - In the criminal system, a term that refers to any person who seeks assistance from the police or the legal system; someone who accuses another of a possible crime.

Continuance - A delay or postponement of a court hearing.

Conviction - A judgment of guilt in a criminal case.

Court - A place where legal proceedings are conducted before a judge; may also refer to the judge personally.

Court-Appointed Attorney- An attorney who is appointed by the Court to represent indigent defendants, or those who cannot afford to hire their own attorney; often a Public Defender.

Criminal Court - One of three (3) courts in Knox County that handles both felony and misdemeanor cases to conclusion.

Criminal Summons- A charging instrument where the person is not arrested and taken into custody, but instead, must be booked and appear in court to respond to the criminal charge against him/her.

D

Defendant - A person who has been formally charged with a crime.

Defense Attorney - A lawyer who represents a defendant during the legal process. A defendant may hire a defense attorney or they may be eligible for a court-appointed attorney if they qualify.

Delinquent Act - A violation of the law by a juvenile.

Discovery - A process by which both the prosecution and the defense share certain information regarding a criminal case.

Dismissal - A decision by a prosecutor or by a judge to end a case without a conviction of the defendant.

Disposition - The end of a criminal case with a conviction, an acquittal, or a dismissal.

District Attorney General - The popularly elected chief prosecutor who serves an 8-year term and is responsible for prosecuting all criminal charges in a judicial district. Often also referred to as "District Attorney" or "D.A.".

District - A geographic area of the state for which a District Attorney General is responsible.

E

Electronic Monitoring - A form of supervision where a defendant is tracked electronically while not in custody.

Exhibit - A document or item used in court as evidence.

Expungement - The process to remove a charge or charges from a public criminal record.

Evidence - Testimony of witnesses and exhibits that are offered as proof of a fact.

F

Failure to Appear - A criminal charge that is issued for a defendant who does not come to court as required.

Felony - Any crime for which the punishment is at least one year or more.

Forfeiture - See "Bond Forfeiture".

G

General Sessions - A court of limited jurisdiction that can dispose of misdemeanor cases by plea, bench trial or dismissal. Can conduct preliminary hearings on misdemeanors and felonies but cannot dispose of felony cases by plea.

Grand Jury - A body of 13 citizens that reviews criminal charges to determine whether there is probable cause to issue an indictment. A grand jury hearing is closed to the public and the press. Neither the defendant nor his/her attorney is present during deliberation.

Guilty Plea - An admission in court by a defendant that he/she committed a crime.

H

I

Indictment - A criminal charge issued by a grand jury.

Indigent - The status of a criminal defendant who cannot afford to hire an attorney as determined by a judge.

Information - A criminal charge that bypasses the grand jury upon the agreement of both the prosecutor and the defense attorney.

J

Judgment - A decision by a court or judge.

Judicial Diversion - A type of expungeable probation for eligible offenders who plead guilty.

Jurisdiction - The legal authority of a court to make decisions and exercise judicial power over certain types of cases and within certain geographical boundaries.

Jury - In a criminal case, a group of twelve citizens who must all agree to convict or acquit a defendant at trial.

Jury Selection - Before a trial begins, a process in court where the judge and the lawyers question potential jurors and select at least twelve to decide the case on trial.

Juvenile - Someone under the age of 18.

K

L

M

Magistrate - A judicial officer responsible for issuing arrest warrants.

Misdemeanor - A class of crimes where the punishment cannot exceed eleven months and twenty-nine days.

Motion - A request for a decision or an action made to a judge by either side in a case.

N

No True Bill - A decision by a grand jury that there is not probable cause to issue an indictment.

Nolle Prosequi - A decision by a prosecutor not to pursue a criminal charge; a dismissal.

O

Order of Protection - A civil court order requiring a person to stay away from and/or not bother or threaten another.

P

Parole - A period of supervision for someone released from prison before the expiration of his/her sentence.

Plea - A defendant's response to a criminal charge against him/her.

Plea Agreement - An agreed upon disposition or settlement of a criminal case often where a defendant pleads guilty in return for a specific sentence.

Preliminary Hearing - A court hearing before a general sessions judge for the purpose of determining if there is probable cause to support the criminal charge and send the case to the grand jury for consideration.

Probable Cause - The degree of proof necessary to support the issuance of an arrest warrant or search warrant or to bind a charge over to the grand jury.

Probation - A type of punishment where the defendant does not go to prison but remains free so long as he/she obeys conditions ordered by the judge.

Probation Violation - An allegation that a defendant has not followed the conditions of probation established by the judge; can lead to the defendant's arrest and punishment by being sent to jail/prison.

Prosecutor - See "Assistant District Attorney".

Public Defender - A criminal defense attorney who is employed by the Public Defender's Office and who represents a defendant who is indigent and cannot hire his/her own lawyer. See "Court-Appointed Attorney".

Q

R

Restitution - Amount of money to be paid by the defendant to the victim in order to reimburse the victim for property stolen, damages, or injuries caused at the time of the crime.

S

Sentencing - When the judge decides the formal legal consequences of a criminal charge. The judge can order the defendant to serve a period of time in confinement, on probation, on an alternative sentence, or a combination thereof.

State - In the criminal justice system, a reference to the prosecutor who is representing the interests of the State of Tennessee.

Subpoena - A court order that directs a witness to appear before a judge, grand jury or other official proceeding. Failure to obey the order could lead to arrest and jail.

T

Testimony - In a criminal case, a statement of a witness under oath and in open court.

Trial - In a criminal case, a proceeding in court with or without a jury to determine whether a person accused of a crime is guilty or not guilty as charged. It consists of the testimony of witnesses and the use of other evidence along with the arguments of lawyers for the prosecution and the defense.

True Bill - A decision by a grand jury that there is probable cause to issue an indictment charging a defendant with a crime. Twelve of the thirteen grand jurors must vote in favor of returning an indictment for it to be a true bill.

U

V

Venue - The physical location where all or a part of a crime occurred.

Verdict - In a criminal case, a decision by a judge or jury to find a defendant guilty or not guilty.

Victims' Compensation - In a criminal case, a procedure under that allows some victims of a violent crime to be reimbursed by the State for certain injuries and expenses related to the crime. For more information, please see our Victims' Compensation Section [[Insert Link to Victims' Compensation Section](#)].

Victim Impact Statement - An opportunity for a victim to address the judge during sentencing about the financial, emotional and physical effects that the crime has had on him/her.

Victim/Witness Coordinator - A person employed by the District Attorney's Office to help victims and witnesses of crimes to understand their rights and answer their questions about the criminal justice system.

Voir Dire - The question and answer process in which attorneys and the judge select jurors.

W

Waiver - A statement, usually in writing, by a defendant that he/she is giving up or not relying upon certain legal rights or protections.

Witness - A person who provides evidence about the defendant and/or the crime charged.

X

Y

Z