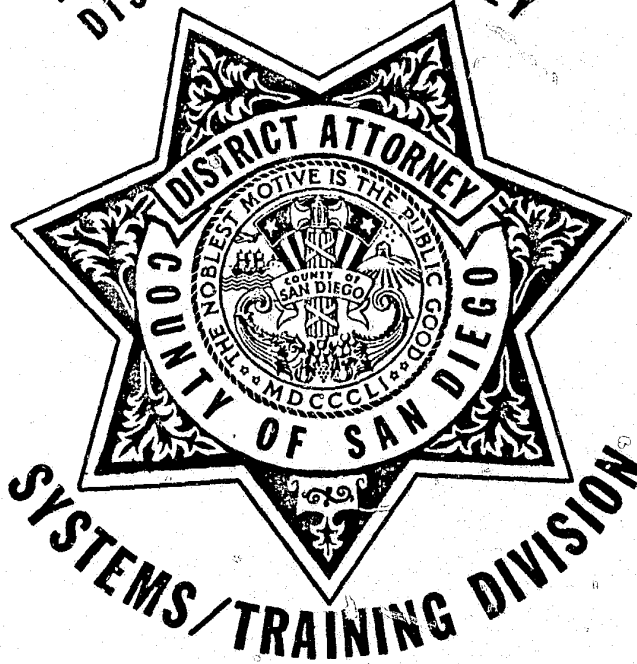


NCJRS

APR 02 1978

ACQUISITION

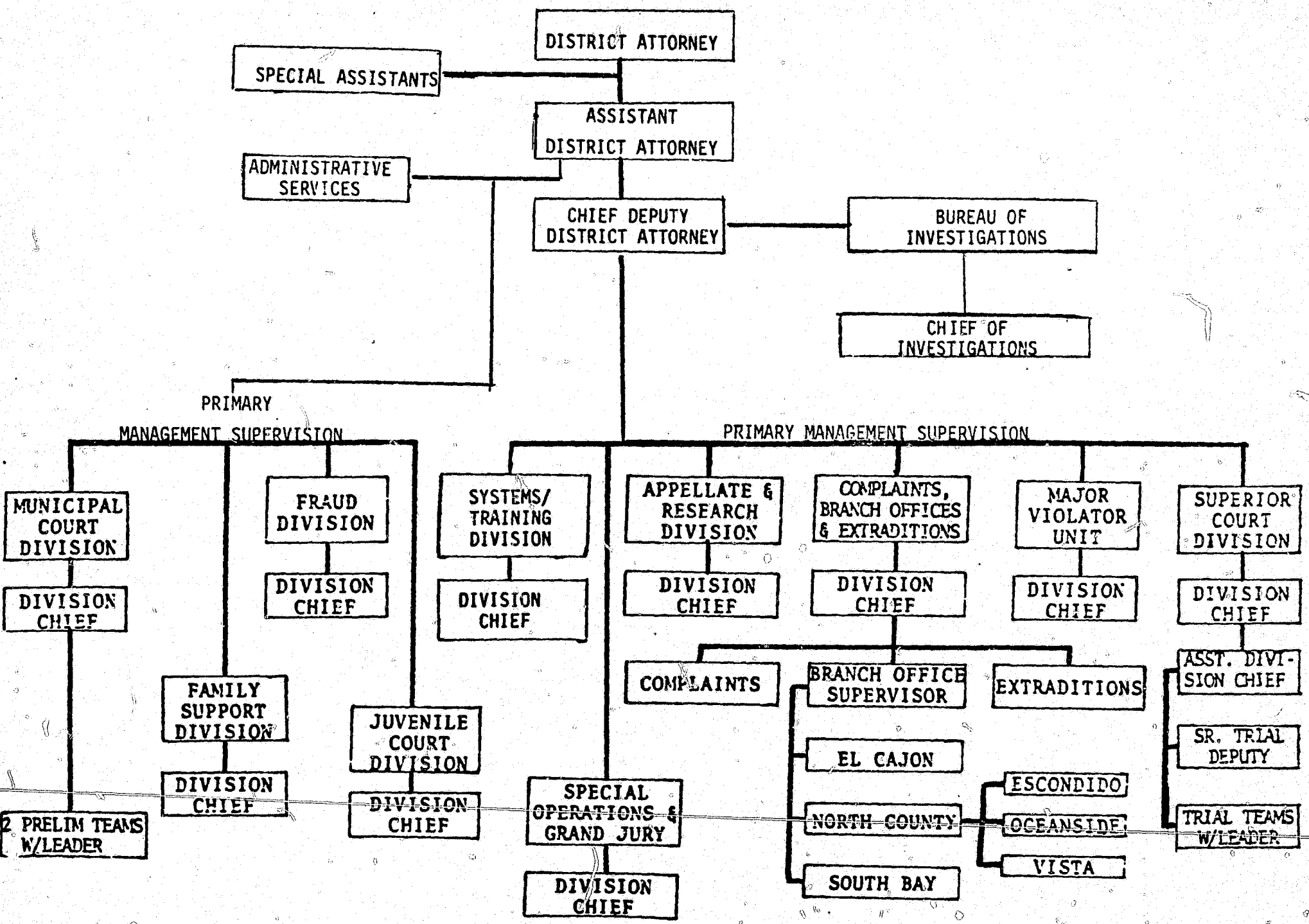
EDWIN L. MILLER  
DISTRICT ATTORNEY



"VICTIM / WITNESS  
TRAINING MATERIALS"

FRANK R. COSTA  
DEPUTY DISTRICT ATTORNEY  
CHIEF SYSTEMS/TRAINING DIVISION  
(714) 236-4966

46699



DISTRICT ATTORNEY

SPECIAL ASSISTANTS

ASSISTANT DISTRICT ATTORNEY

ADMINISTRATIVE SERVICES

CHIEF DEPUTY DISTRICT ATTORNEY

BUREAU OF INVESTIGATIONS

CHIEF OF INVESTIGATIONS

PRIMARY

MANAGEMENT SUPERVISION

PRIMARY MANAGEMENT SUPERVISION

MUNICIPAL COURT DIVISION

DIVISION CHIEF

2 PRELIM TEAMS W/LEADER

FRAUD DIVISION

DIVISION CHIEF

FAMILY SUPPORT DIVISION

DIVISION CHIEF

JUVENILE COURT DIVISION

DIVISION CHIEF

SYSTEMS/TRAINING DIVISION

DIVISION CHIEF

APPELLATE & RESEARCH DIVISION

DIVISION CHIEF

COMPLAINTS

COMPLAINTS, BRANCH OFFICES & EXTRADITIONS

DIVISION CHIEF

BRANCH OFFICE SUPERVISOR

EL CAJON

NORTH COUNTY

SOUTH BAY

EXTRADITIONS

ESCONDIDO

OCEANSIDE

VISTA

MAJOR VIOLATOR UNIT

DIVISION CHIEF

SUPERIOR COURT DIVISION

DIVISION CHIEF

ASST. DIVISION CHIEF

SR. TRIAL DEPUTY

TRIAL TEAMS W/LEADER

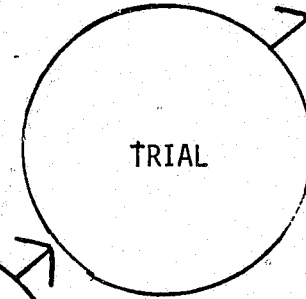
SPECIAL OPERATIONS & GRAND JURY

DIVISION CHIEF

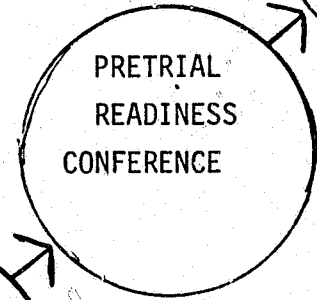
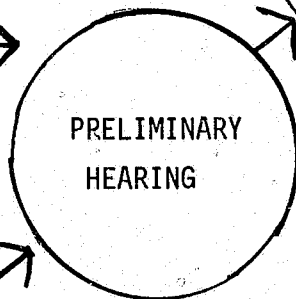
CASE FLOW / WITNESS ATTENDANCE

PROBATION  
AND/OR  
SENTENCING  
HEARING

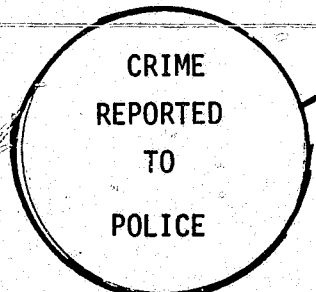
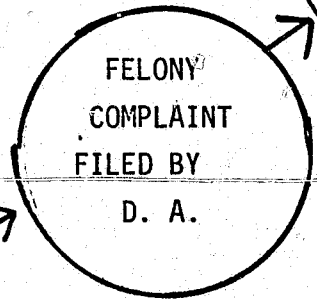
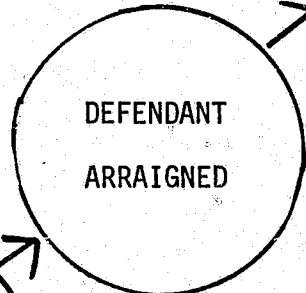
If subpoenaed WITNESS MUST ATTEND trial



If subpoenaed WITNESS MUST ATTEND  
Preliminary Hearing



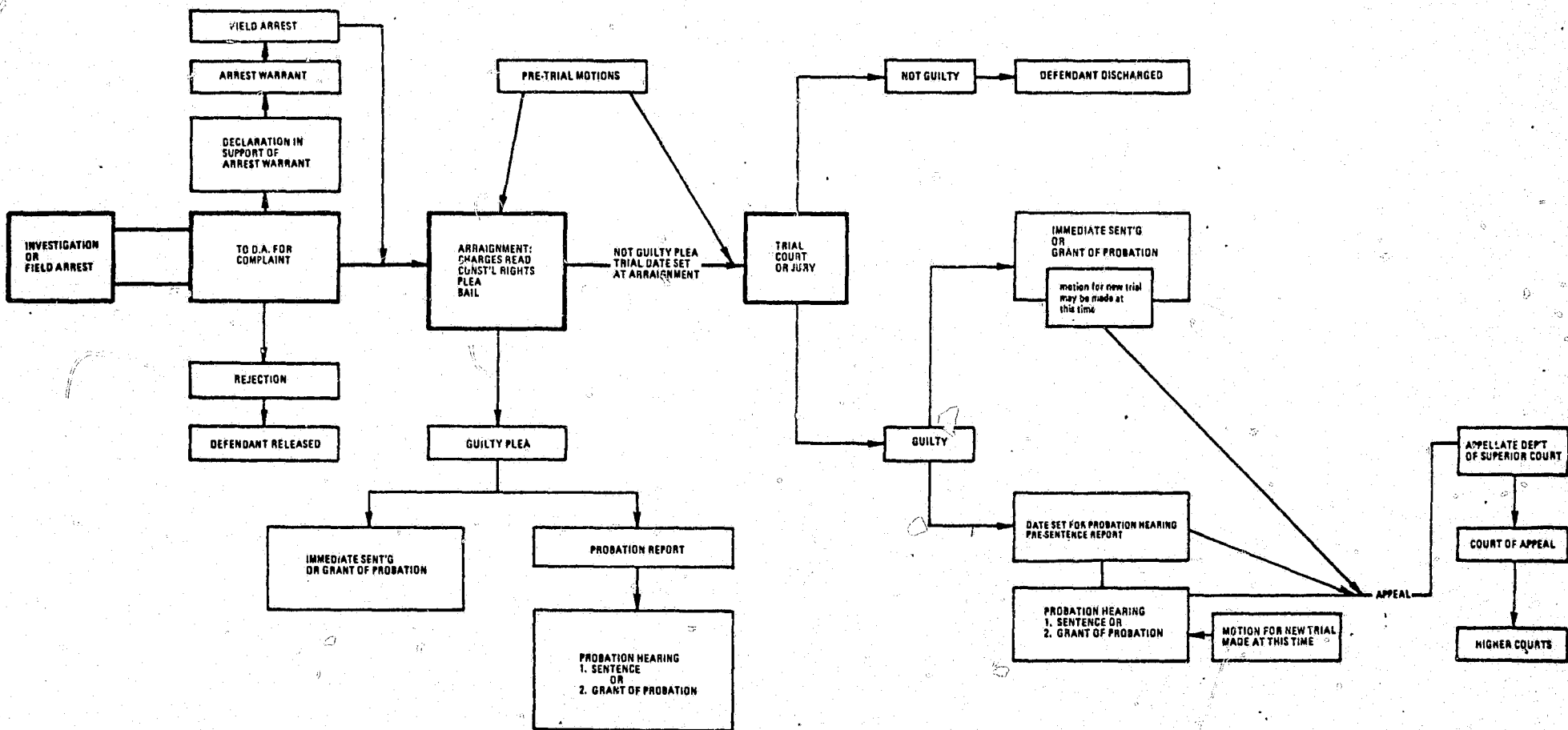
\*1



NOTE: Witness may be ordered by the court or subpoenaed to attend other proceeding ie. defense and/or prosecution motions probation revocation hearings, and sentencings depending on the circumstances of the case.

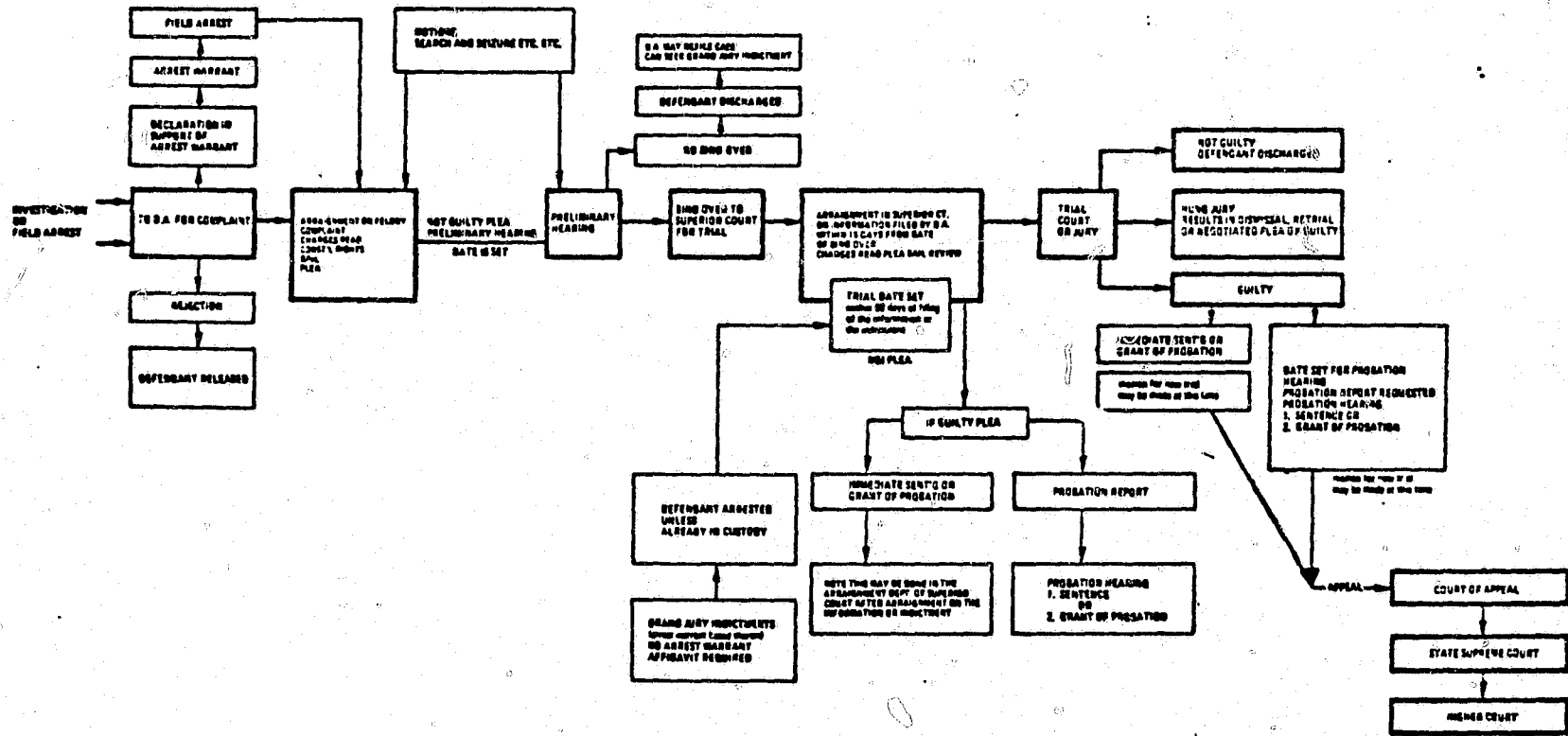
\*1 Arraignment on the information takes place after a preliminary hearing and before the Pre-Trial Readiness Conference. Witnesses NEED NOT attend this court proceeding. Many times Witnesses misconstrue the preliminary hearing magistrates order for the defendant to appear at this proceeding to include witnesses as well.

# MISDEMEANOR CASE FLOW CHART



# FELONY CASE FLOW CHART

(PREPARED BY DEPUTY DISTRICT ATTORNEY FRANK R. COSTA)



PHASES OF A CRIMINAL JURY  
TRIAL

A. Reference

1. California Penal Code Sections 1093-1094

B. Procedure

1. Case is called by the court clerk in Criminal Presiding Department and assigned to Trial Department
2. Case called by the Clerk of the Trial Department
3. Panel of prospective jurors called to the Trial Department
4. Jury Panel sworn
5. 12 persons selected from the Jury Panel
6. Voir Dire examination of prospective jurors
  - a. Examination for bias, prejudice, etc.
  - b. Defense proceeds with first examination of the prospective jurors; prosecution second
  - c. Challenge for cause
  - d. Peremptory challenge
    - (1) Where one defendant - 13 peremptory challenges
    - (2) Where more than one defendant - 13 joint peremptory challenges plus seven additional peremptory challenges per defendant.
    - (3) The prosecution will have an equal number of peremptory challenges as allocated to the defense
7. Final 12 persons selected as jurors
  - a. Alternate jurors may also be selected depending upon the length and nature of the case to be tried
8. Accusatory pleading read to the jury
9. Prosecution makes opening statement to the jury and court
  - a. Outline of the People's case
  - b. Use of diagrams, maps, physical evidence
10. Defense Opening statement
  - a. Outline of the defense case
  - b. Defense opening statement may be reserved until the close of the prosecution's case
11. Prosecution case-in-chief
  - a. A court trial, i.e. a trial without a jury, normally begins at this stage of the proceedings
  - b. Examination of the witnesses:
    - (1) Relative to each witness the order of examination of the individual witness is as follows:
      - (a) Direct examination
      - (b) Cross examination
      - (c) Redirect examination
      - (d) Recross examination
    - (1) See California Evidence Code, Section 772
12. Defense case
13. Prosecution rebuttal
  - a. Note that the Court may allow sur-rebuttal
14. Motions pursuant to California Penal Code section 1118.1, by the defense, for an entry of judgment of acquittal for insufficiency of the evidence to sustain conviction on appeal.

- a. If trial is before the court alone, the motion is pursuant to California Penal Code Section 1118, and the test is whether there is sufficient evidence adduced upon which to find the defendant guilty.
  - b. Both motions may also be made at the close of the prosecution's case-in chief.
15. Prosecution's opening argument to the jury and court
  16. Defense argument to the jury and the court
  17. Prosecution's closing argument to the jury and court
  18. Court instructs the jury
  19. Jury retires from the courtroom to jury room for their deliberations
  20. Verdict returned by the jury
  21. Verdict presented to the court
  22. Court directs the clerk of the court to read the verdict in open court and directs the clerk to enter the verdict upon the record once read and jurors agree that this was their verdict.

IMPORTANT WITNESS INFORMATION

The attached subpoena has been issued by the San Diego County District Attorney's Office (Main Office, Downtown San Diego) ordering your appearance as a witness in court. The following information is provided to you in an effort to reduce the inconvenience to you, yet make greater your contribution to the orderly administration of justice.

1. Every subpoena sent out by the Office of the District Attorney has the name and telephone number of the Deputy District Attorney assigned the case in the lower center portion of the subpoena. Read the subpoena carefully and look for any specific directions you may need to follow.

If emergencies or other problems arise, you may call any of the following numbers: Victim/Witness Assistance, 236-4521, the Office of the San Diego County District Attorney, 236-2329; or the Deputy District Attorney assigned the case.

2. THE COUNTY OF SAN DIEGO CANNOT COMPENSATE YOU FOR LOSS OF WAGES, ETC., however, procedures are available through which witness fees may be claimed by completing a Witness Expense Claim Form.

3. When attending court, DO NOT PARK YOUR VEHICLE AT A METER. Park in one of the nearby parking lots.

YOU CANNOT BE REIMBURSED IN CASH ON THE DAY YOU APPEAR IN COURT however, your parking fee, upon proper presentation of your parking receipt, may be included in your Witness Expense Claim Form in an amount not to exceed \$3.50 per day.

4. Witness Expense Claim Forms are available at all reception areas of the District Attorney's Office. If completed and submitted by you, reimbursement for permitted-witness expenses can be expected in 6 to 8 weeks.

5. Victims of Violence Compensation forms, and Victim/Witness Handbooks are available at all reception areas of the District Attorney's Office.

6. If your address is different from that indicated on the subpoena, or if you plan to move or leave town for a while, please call the Deputy District Attorney assigned the case or the other telephone numbers indicated above.

7. Arrangements for transportation to and from the courthouse are the responsibility of the subpoenaed witness. If you are going to have any problems getting to the courthouse, please contact the Deputy District Attorney assigned the case as soon as you know about the problem.

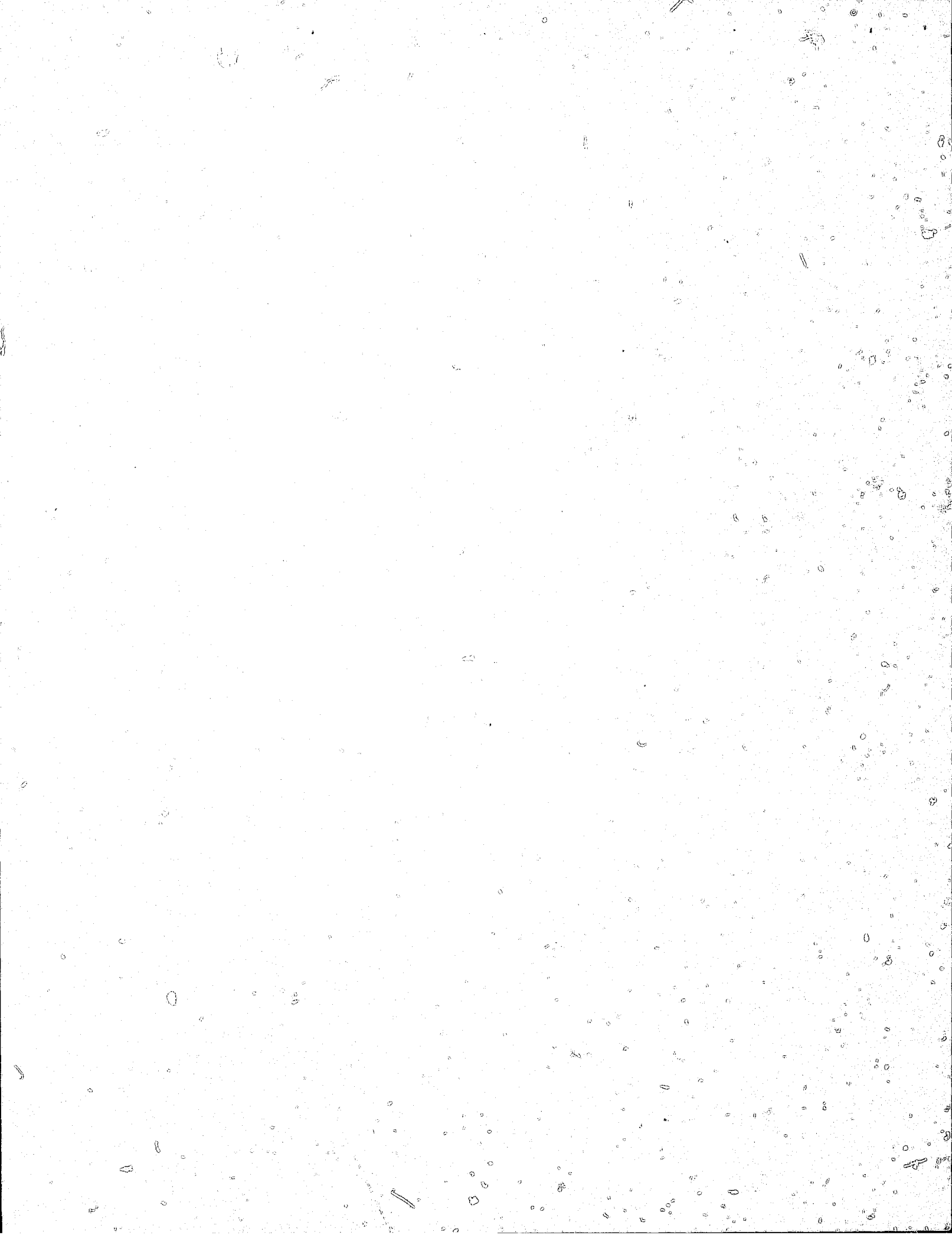
8. You don't have to talk about the case or anything having to do with it with anyone. Whether you do or not is your decision. If anyone wants to talk about the case with you, you can insist that that person identify himself. Police officers, investigators for this office and investigators working for the defense all have identification cards that say who they are. You are required only to (1) attend court and (2) testify truthfully.

9. Please review the "Ten Commandments for Witnesses" printed on the reverse side.

10. If this subpoena orders your appearance at a preliminary hearing, within a month or so you may receive another subpoena to appear at trial unless this case is concluded before that time.

Victim/Witness Assistance Project  
Office of the San Diego County District  
Attorney





## TEN COMMANDMENTS FOR WITNESSES

1. TELL THE TRUTH - In a law suit, as in all other matters, honesty comes first. Telling the truth, however, means more than refraining from telling a deliberate falsehood. Telling the truth requires that a witness testify accurately about what he knows.
2. DON'T GUESS - If you don't know, say you don't know.
3. BE SURE THAT YOU UNDERSTAND THE QUESTION. You cannot possibly give a truthful and accurate answer unless you understand the question. If you don't understand the question, ask the lawyer to repeat it. He will probably ask the court reporter to read it back.
4. TAKE YOUR TIME AND ANSWER THE QUESTIONS ASKED  
Give the question such thought as it requires to understand it and formulate your answer and then give the answer. If you can answer the question yes or no, do so.
5. GIVE A LOUD AUDIBLE ANSWER-  
Everything you say is being recorded. Don't nod your head yes or no.
6. DON'T LOOK FOR ASSISTANCE WHEN YOU'RE ON THE STAND-  
If you think you need help, request to speak to the judge.
7. BEWARE OF QUESTIONS INVOLVING DISTANCES AND TIME - If you make an estimate, make sure that everyone understands that you are estimating.
8. BE COURTEOUS - Be sure to answer "yes, sir" and "no, sir", and to address the judge as "Your Honor". Don't lose your temper.
9. IF ASKED WHETHER YOU HAVE TALKED TO THE LAWYER ON YOUR SIDE, OR TO AN INVESTIGATOR, ADMIT IT FREELY IF YOU HAVE DONE SO.
10. AVOID JOKING AND WISE CRACKS  
A law suit is a serious matter. Smart talk or evasive answers may jeopardize the case.

**VICTIM / WITNESS ASSISTANCE COORDINATOR  
PROGRAMS / PROCEDURES**

|  |   |  |  |   |   |
|--|---|--|--|---|---|
| <p><u>VICTIMS / WITNESS PUBLIC ASSISTANCE OFFICER</u></p> <p>District Attorney Investigative Assistant on duty from 8AM to 5PM to accommodate victim/witness, public at large etc. Involves personal contacts as well as phone contacts</p>  | <p><u>VICTIM COMPENSATION PROGRAM</u></p> <p>Involves the publication, distribution and assistance in the preparation of claim forms re: victims of crimes of violence.</p>                       | <p><u>WITNESS "CALL-OFF" PROCEDURE</u></p> <p>This program has become an integral part of operations. Clerical staff situated in the various line divisions of the office contact by phone and/or letter, witnesses (including police officers) informing them of continuances, dismissals, etc.</p> | <p><u>D.A. PUBLIC INFORMATION SERVICE</u></p> <p>Program is headed by the victim/witness coordinator who is a special Assistant to the District Attorney, Services include:</p> <ul style="list-style-type: none"> <li>Speaking Engagements</li> <li>Written materials</li> <li>Office functions</li> <li>Flyers</li> <li>V/W Handbook</li> <li>Liason with the media and community</li> </ul> | <p><u>STAFF/VICTIM/WITNESS ORIENTATION</u></p> <p>It involves:</p> <ul style="list-style-type: none"> <li>Deputy training re: V/W Problems,</li> <li>Directives from the District Attorney, Clerical</li> <li>Training re: V/W Problems</li> </ul>  | <p><u>SPECIAL VICTIM/WITNESS PROJECT - "LINEUPS"</u></p> <p>In January, 1975 a program was initiated (in conjunction with the Municipal Court Judges) to set all "post arrest" lineups at the same time as the preliminary hearing thereby reducing the number of times victims/witnesses would be inconvenienced ie. "trips to the courthouse". The program is still in force and in effect to date.</p> |
| <p><u>SPECIAL PROSECUTION</u></p> <p>Cases would include (but not limited to) rape, child molest, homicide, other special cases which may include crimes against the elderly and require special handling. Same attorneys and investigator handle the case from start to its conclusion.</p> |   |  | <p><u>STAND-BY PROCEDURE</u></p> <p>Attorneys and/or Investigators are directed to place needed W's on a "stand-by basis" at home or at work in all cases where appropriate. When needed they are contacted as to where, and what time to appear.</p>  | <p><u>"PILOT PROJECT" (2nd full year) SUPERIOR COURT TRIAL TEAMS INVESTIGATIVE SUPPORT UNIT</u></p> <p>As part of an investigative support effort, I/A's issue all required subpoenas at the earliest possible date, ensure service, maintain close contact with witnesses ie. change of address, continuances, other dispositions, transportation, witness problems. Resources of the entire office are available to the Investigative Assistant</p> | <p><u>D.A. RESPONSE TO SPECIFIC NEEDS / INQUIRIES REQUESTS</u></p> <p>The responsibility to respond in these general areas has been placed:</p> <ol style="list-style-type: none"> <li>(1) Primarily with Spec. Assistants to the D.A.</li> <li>(2) Secondly, the entire staff ie. legal, investigative, administrative, and clerical.</li> </ol>   |
|  | <p><u>WITNESS CLAIMS PROGRAM</u></p> <p>Clerical staff assist in the preparation and processing all witness claim forms to ensure W's are compensated for legitimate claims ie. food, parking</p> |  |  |   |   |

# MUNICIPAL COURT

## FELONY

### 1. ARRAIGNMENT (Generally within 48 hours) PROCEDURE ---

- (A) Given constitutional rights.
- (B) Given copy of complaint.
- (C) If it appears defendant is a minor notify parents or appoint counsel.
- (D) Given time to obtain counsel or, in proper case, appoint one.
- (E) Plea.
  - (1) Guilty Plea - Must have counsel unless knowingly and intelligently waived. Not acceptable in capital cases unless appear with counsel. Transfer to Superior Court.
  - (2) Not Guilty Plea - Unless Hearing Waived, date set for Preliminary Hearing in Municipal Court (usually within 5 days).
- (F) Bail setting.
  - (1) Capital offenses generally non-bailable offenses.
  - (2) If arrested under warrant, as set by it unless modified by judge, otherwise by judge.

### 2. PRELIMINARY HEARING

- (A) Defendant with counsel appears before judge and is confronted with evidence to support charge against him.
- (B) Purpose is to determine if a crime has been committed and if there are reasonable grounds to believe deft. involved.
- (C) Generally the People's case is presented without a defense. The defense, however, does cross examine People's witnesses.

### DISPOSITION ---

- (A) Court may dismiss case and release deft.
  - (1) If evidence insufficient or on legal grounds (search and seizure, etc.)
- (B) Court may hold defendant to answer.
  - (1) If court believes evidence sufficient deft's case ordered to Sup. Ct. for arraignment and trial at a later date.

## MISDEMEANOR

### 1. ARRAIGNMENT (Generally within 48 hours) PROCEDURE ---

- (A) Given constitutional rights.
- (B) Complaint read.
- (C) Given time to obtain counsel, or in proper case, appoint one.
- (D) Plea.
  - (1) Guilty Plea - Court imposes sentence or continues for probation report or continues for sentence.
  - (2) Not Guilty Plea - Trial date set (generally, must be within 30 days after arrest, unless defendant waives time, or unless otherwise provided).
- (E) Bail setting: from pre-set schedule unless changed by judge.

## TRIAL

### COURT TRIAL

Jury expressly waived.  
Judge hears case, renders verdict and imposes sentence or discharges deft.

### JURY TRIAL (At State Expense)

1. 12 Jurors (or lesser number on stipulation of parties) selected by clerk or attaché from random drawing and seated in jury box.
2. Jurors questioned, challenges made and jury is selected and sworn.
3. People's case presented thru witnesses and evidence.
4. Defense case is presented.
5. Case argued to jury by both counsel.
6. Judge instructs jury on law.
7. Bailiff sworn to take charge of jury.
8. Jury deliberates case (held until discharged).
9. Verdict (must be unanimous).
  - (A) Guilty - Judge imposes sentence.
  - (B) Not Guilty - Judge discharges defendant.
  - (C) If jury cannot reach verdict judge discharges jury and case is reset for trial.

## CIVIL

### 1. PROCEDURE ---

- (A) Action (complaint is filed with the clerk of the court). Party filing the action is referred to as plaintiff and party being sued is defendant.
- (B) Clerk of court issues a summons.
- (C) Defendant notified of action by service of summons and complaint.
- (D) Defendant has at least 10 days to answer or demur.
- (E) If defendant fails to answer in time allowed by law, plaintiff may apply for judgment by default.
- (F) If defendant files answer the case is set for trial by clerk of court.
- (G) Trial may be by court or jury. Party desiring jury must make written request and deposit jury fee.

### 2. JURISDICTION

- (A) Not over \$5,000.00
- (B) Forcible Entry or Unlawful detainer (\$600 per mo. max. rental and total claim of \$5,000.00 or less).

## TRIAL

### COURT TRIAL

1. Jury waived by both parties.
2. Judge hears case and renders judgment.

### JURY TRIAL (Party requesting to deposit jury fee)

#### PROCEDURE ---

1. Similar to criminal jury trial on items 1 thru 8 except moving party is civil plaintiff and not prosecutor.
2. Parties may stipulate to a lesser number of jurors.
3. If Jurors are deliberating at close of court day they may retire to their homes for the night and resume deliberation the following day.
4. Verdict (Judgment) requires only a  $\frac{2}{3}$  vote of total jurors. Unanimous verdict required in criminal trial only.

## SMALL CLAIMS

### 1. JURISDICTION

- 1 cent to \$750.00 (money judgment only).  
Unlawful detainer (maximum term of month to month and total claim of \$750.00 or less).
- 2. Parties must appear without counsel.
- 3. No jury trials.
- 4. Only defendant has right of appeal.

## SUPERIOR COURT Trial Court of General Jurisdiction

**Original jurisdiction:** In all causes except those given by statute to other trial courts.

**One superior court with at least one judge in each county.** Most counties have more than one judge, each of whom presides over his own department.

**Rules of court** — State rules for the operation of the Superior Court are adopted by the Judicial Council of the State of California. Local rules for the internal organization of the Superior Court of each county are adopted by its judges. An appeal from the Superior Court is generally on a court reporter's transcript of testimony, the clerk's transcript of filed documents, briefs and oral argument by attorneys.

### CIVIL

Jurisdiction includes civil suits over \$5,000, and those below \$5,000 not within Municipal Court jurisdiction (i.e., probate matters, dissolution of marriage, actions affecting title to real property).

Procedure generally similar to that shown for Municipal court.

### EQUITY

Special matters, such as injunction proceedings, administration of trusts, foreclosure of mortgages.

### PREROGATIVE WRITS

Habeas corpus and extraordinary relief in nature of mandamus, certiorari and prohibition.

### SPECIALIZED

**Appeals** — from Municipal and Justice Courts. Normally the last word except for review by the U.S. Supreme Court. Cases may be transferred to the Court of Appeal for hearing and decision, however, on its order or certificate of the Superior Court where necessary to secure uniformity of decision or to decide important questions of law under California Rules of Court Nos. 61-69.

**Probate** — (wills and administration) guardianships; conservatorships (utilized only if the proposed conservatee is an adult and is unable properly to care for himself or his property).

**Domestic Relations** — including dissolution of marriage, legal separation, and declaration of nullity of marriage, reciprocal enforcement of support, and paternity actions, as well as Conciliation Court in some counties. Final decree of dissolution may be entered six months after filing of petition. Residence requirement: six months in state, 3 months in county.

**Juvenile** — correction and protection of delinquent and uncared for minors.

**Adoptions** — of minors. Proceedings and files are confidential to protect the child and the adopting parents. Payment of fee may be deferred, reduced, or waived in case of economic hardship. Petition must be filed in county in which petitioners reside.

**Psychiatric** — protection and custody of the mentally ill.

### CRIMINAL

**Misdemeanors** — not otherwise provided for.

**Felonies** — criminal offenses punishable by death or by imprisonment in the state prison.

- (a) Must ordinarily be brought to trial within 60 days after signing of an indictment or filing of the information unless good cause is shown.
- (b) Grand Jury indictments are brought directly to the Superior Court; informations are filed with the court by the District Attorney after a preliminary hearing has been held in the Municipal Court and the defendant has been bound over to the Superior Court for arraignment.
- (c) The right of trial by jury is provided by the California Constitution, which also allows a waiver of the right to trial by jury in criminal cases by consent of both parties, expressed in open court by defendant and his counsel. Jury costs are paid by the county.
- (d) Verdict of jurors must be unanimous.
- (e) Matter of sentencing falls on the judge. Following a felony conviction of a defendant eligible for probation the judge must, and in other cases the judge may, refer to probation officer for report prior to sentencing. He may send the defendant to state prison for the term prescribed by law; may suspend a state prison sentence, place the defendant on probation under certain conditions, or may place the defendant on probation providing that the defendant serve a sentence in the county jail.

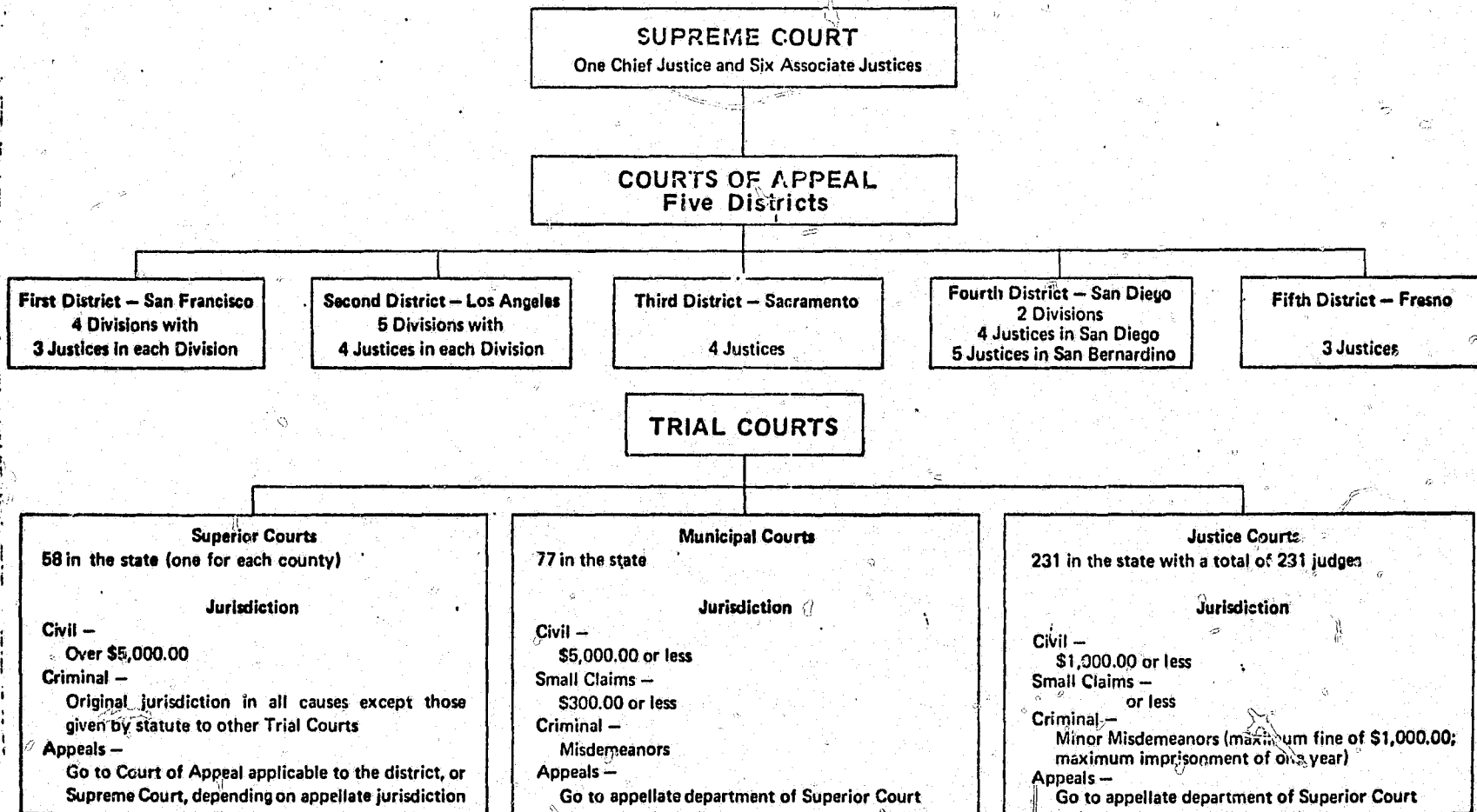
# JURISDICTION OF CALIFORNIA APPELLATE COURTS

SUPREME COURT – Jurisdiction

COURTS OF APPEAL – Jurisdiction

**ORIGINAL JURISDICTION:** Habeas corpus and extraordinary relief in the nature of mandamus, certiorari and prohibition.  
**APPELLATE JURISDICTION:** When judgment of death has been pronounced.  
**TRANSFER OF CAUSES:** The Supreme Court may, before decision becomes final, transfer to itself a cause in a court of appeal. It may, before decision, transfer a cause from itself to a court of appeal or from one court of appeal or division to another.

**ORIGINAL JURISDICTION:** Power to issue writs as original matter is equal to and concurrent with Supreme Court.  
**APPELLATE JURISDICTION:** Except when judgment of death has been pronounced, all cases in which superior courts have original jurisdiction and in other causes prescribed by statute.  
**TRANSFERRED CASES:** All cases, matters, and proceedings pending before the Supreme Court ordered transferred by the Supreme Court to a Court of Appeal for hearing and decision; cases on appeal within original jurisdiction of a municipal or justice court which a Court of Appeal orders transferred to it when the Superior Court certifies or the Court of Appeals on its own motion determines from an opinion of the appellate department published or to be published in Advance California Appellate Reports that such transfer appears necessary to secure uniformity of decision or to settle important questions of law.



There are fifty-eight (58) counties in the State of California divided into three-hundred and eight (308) judicial districts. Each county has one (1) superior court and each judicial district within these counties has either a municipal or justice court as determined by population. In the judicial districts with a population which exceeds forty thousand (40,000), there is a municipal court. In those judicial districts with a population of forty thousand (40,000) or less, there is a justice court.

VOCABULARY (Revised 1976)

Students wishing to become law enforcement officers should be familiar with the terms usually used in connection with crime, courts and criminal procedure. The meanings and spellings of the following words are therefore highly recommended.

|             |  |
|-------------|--|
| ABET        | To encourage, incite, assist or set another on to commit a crime; to assist in the perpetration of a crime as "aid and abet."  |
| ABSCOUND    | To go out of the jurisdiction of the courts; to hide, conceal or absent oneself with intent to avoid legal process.  |
| ACCESSORY   | Every person who, after a felony has been committed, harbors, conceals or aids a principal in such felony, with the intent that said principal may avoid or escape from arrest, trial, conviction or punishment, having knowledge that said principal has committed such felony or has been charged with such felony or convicted thereof, is an accessory to such felony. |
| ACQUITTED   | Set free - discharged, found not guilty of a crime.  |
| ADULTERY    | Sexual intercourse between parties, at least one of whom is married to someone else.   |
| ADMISSION   | A statement by a person that can be used in evidence against him.  |
| AFFIDAVIT   | A declaration in writing sworn to before a person who has authority to administer an oath.   |
| AFFIRMATION | A solemn declaration made before an authorized magistrate by persons who conscientiously declines taking an oath, which declaration is in law equivalent to an oath.   |
| AFFRAY      | The fighting of two or more persons in a public place, to the terror of others.  |
| ALIAS       | A name used in place of the real name of the person.   |
| ALIBI       | A defense to an accusation - accused in another place at the time of commission of a crime.  |
| AMEND       | To correct an error or deficiency.   |
| APPEAL      | The request of a party to a legal action, to a higher court, demanding the review of some point of law and the reversal of the lower courts decision.  |

- ARRAIGNMENT      The procedure by which a court informs an accused person of the charges against him; determines that he is the proper person wanted; tells him his legal rights and asks for his plea; appoints an attorney if wanted; sets bail; sets dates and time for future actions.
- ARREST            The taking of a person into custody in a case and in a manner authorized by law.
- ARSON             The crime of deliberately setting a fire with criminal intent.
- ASPORTATION      The carrying away of goods; one of the circumstances requisite to constitute the offense of larceny (theft).
- ASSAULT           An unlawful offer or attempt with force or violence to do a corporeal hurt to another. Attempt must be coupled with the ability or apparent present ability to execute it.
- ATTEMPT           A "try" to commit a crime, often the attempt alone is punishable. An intent to do harm is the very essence of an assault.
- AUTOPSY           The dissection of a dead human body by an authorized person in order to determine the cause of death.
- AXIOM             In logic, a self-evident truth; an indisputable truth.
- BAIL               Security required to guarantee appearance for trial at a later date.
- BAILEE            The person for whom bail is given.
- BAILOR            The person who originally furnishes the bail.
- BALLISTICS        The science of projectiles. The use of guns, shells, bullets, powder marks, etc., as a means of criminal identification.
- BARRISTER        A counsel (attorney) admitted to plead at the bar - (court).
- BATTERY           The unlawful use of force by one person upon another; beating, wounding, including every touching however trifling of another's person or clothes, in an angry, insolent or hostile manner. Legally, the offense may be a civil wrong, or tort, or a criminal offense. Assault.
- BENCH WARRANT   A warrant issued by or from a bench, or court. A process for the arrest of the party against whom an indictment has been found. Generally issued by the Judge when an individual fails to appear in answer to a Court order.
- BEQUEATH         Bestow by will - to give personal property by will.
- BIAS              To foster prejudice, prejudicial - tendency to favor and support a certain point of view.
- BIGAMY            The act of marrying one person while married to another.



- BLACKMAIL** To extort money by threats of exposure to public accusation, censure, or disgrace. Money extorted from one by threats or exposure, ill treatment, etc.
- BOGUS** Not genuine.
- BRIBERY** Act of giving or taking a favor with view to corrupt the conduct of a person in a position of trust.
- BURGLARY** Entering any building, house, barn, shop, etc., with the intent to commit Grand or Petit Theft or any felony. Mere act of entry with intent constitutes crime. Entry can be made with a fishpole, wire hook, etc.
- CHARACTER EVIDENCE** In criminal cases the rule is that character evidence will not be admitted unless the defendant puts in evidence of his good character. This must not be confused, however, with the impeaching of the defendant's testimony. The moment the defendant becomes a witness the state may discredit his testimony by establishing that he has a bad reputation for truth and veracity.
- When character evidence is admissible, i. e., after the defendant has offered such evidence, the character witness may only testify concerning the defendant's reputation in the community in which he lives or is employed; he cannot testify as to what he knows individually about the person, nor can he enumerate specific incidents tending to establish that the defendant's character is good or bad. Also, whatever evidence is offered must relate to the trait involved in the crime committed. For example, if I be on trial for embezzlement my reputation for honesty and integrity is put in issue, or if I be charged with the crime of perjury my reputation for truth and veracity would be in issue.
- CIRCUMSTANTIAL EVIDENCE** Evidence of conditions and surroundings from which the existence of a principal fact may be inferred.
- COERCION** Compulsion or force, as coercion to commit a crime.
- COLLUSION** A deceitful agreement or compact between two or more persons for the one party to bring an action against the other for some evil purpose or to defraud a third party of his right.
- COMMITMENT** An official Court order directing the taking of a person to a jail, prison, hospital, etc.
- COMMON LAW** The Basic American Law, as derived from the laws of England which were incorporated into our statutory and case laws. Its base is the concept of stare decisis - to honor the case decisions of prior cases of a similar nature.
- COMPLAINT** A charge of the commission of a crime, made to a court.
- CONCLUSIVE EVIDENCE** That which is incontrovertible, either because the law does not permit it to be contradicted, or because it is so strong and convincing as to overbear all proof to the contrary and establish the proposition in question beyond any reasonable doubt.

|                     |  |
|---------------------|--|
| CONFESSION          | A statement by a person that he committed a crime. Acknowledgment of guilt.  |
| CONJUGAL VISITATION | The practice of allowing prisoners to cohabit in private with their spouse or heterosexual substitute while imprisoned - varies by country.  |
| CONSPIRACY          | A combination of two or more persons who agree to commit a crime.  |
| CONTEMPT            | Willful disregard of the orders or process of a court or a crime against the dignity of a court.   |
| CONTRABAND          | Goods that the law forbids to be sold or bought or imported or exported.   |
| CONVEYANCE          | A common carrier such as a taxi, bus, etc. Also, in law - an instrument in writing, by which property or the title to the property is transferred from one person to another.          |
| CONVICTION          | A finding by a court that a person is guilty of a crime.   |
| CORONER             | An officer whose duty is to determine the cause of violent or unusual death, or any death in which the deceased is not under a doctors care or when the cause of death is not obvious. |
| CORONER'S JURY      | A jury appointed by a coroner to determine cause of death.   |
| CORPUS DELECTI      | The elements of a crime that must be proved to convict a defendant.  |
| CORROBORATION       | Additional evidence - usually to confirm or support the testimony of a witness.  |
| COUNTERFEIT         | An <u>imitation</u> of that which is genuine.  |
| CREDIBILITY         | The extent of worthiness of belief.  |
| CROSS EXAMINATION   | The examination of a witness by the side that did not call him.  |
| DEMURRER            | An answer to an accusation, not denying it, but stating that the accusation itself is defective or legally ineffective.  |
| DEPOSITION          | A written statement signed and sworn to by a witness or party to a legal action and obtained by the questions and answers given.   |
| DISORDERLY CONDUCT  | Conduct offensive to good morals and public decency.   |
| DIRK                | A kind of dagger.  |
| DOCKET              | A book kept by court clerks containing a list of the cases to be tried.  |

- DOCUMENTARY EVIDENCE** Evidence supplied by writings and documents of every kind in the widest sense of the term; evidence derived from concentral symbols, such as letters - by which ideas are represented on material substances.
- DIRECT EXAMINATION** Eximination of a witness by the side that calls him.
- DIRECT EVIDENCE** Direct Evidence is that means of proof which tends to show the existence of a fact in question, without the intervention of the proof of any other fact, and is distinguished from CIRCUMSTANTIAL EVIDENCE, which is often called INDIRECT EVIDENCE.
- DIRECT EVIDENCE means evidence, which in the first instance applies directly to the fact to be proved, or is evidence of the precise fact in issue and on trial by witnesses who can testify that they saw the act done or heard the words spoken which constitute the precise fact to be proved.
- DOUBLE JEOPARDY** The fact of being for the second time officially accused and on trial for the same offense.
- DUE PROCESS** As required in the 5<sup>th</sup> and 14<sup>th</sup> Amendments to U.S. Constitution which requires that all available legal rights and opportunities to make a legitimate defense to an accusation have been made available to a defendant.
- DURESS** Coercion upon a person to do something against his will.
- EMBEZZLEMENT** The crime of taking money or property entrusted to the accused for their personal use or use not authorized by the party who entrusted the accused.
- ENTRAPMENT** The crime of aiding in a criminal act by law enforcement authorities for the purpose of prosecuting the main criminal or criminals. Where the act originates with the police - however, if the crime originates with the accused and the police merely carry through with the accused idea, then no entrapment.
- EVIDENCE** The means by which a fact is established or disproved. It usually consists of testimony of witnesses, documents and other things that can be seen or recognized by the senses, and the knowledge of the court. The word "evidence" and legal acceptance, includes all the means by which any alleged matter of fact, the truth of which is submitted to investigation, is established or disproved. Proof can be the testimony of men, records or writings, or other things.
- EX POST FACTO** A term applied to a law that seeks to punish acts that were committed before the law was passed.
- EXCLUSIONARY RULE** (Fruit of the poison tree doctrin) Requires that evidence illegally obtained can not be used in a court of law against the accused.

|                    |  |
|--------------------|--|
| EXECUTION          | The means of carrying out the orders of Court usually against a person's body or goods. Also applied to the formal killing of a person as a punishment for crime.  |
| EXTORTION          | The taking of property from another by means of illegal compulsion or force.   |
| EXTRADITION        | Process of bringing an accused or convicted person back from another jurisdiction other than that in which he is wanted.   |
| FALSE IMPRISONMENT | Any unlawful restraint of a person's liberty or freedom of locomotion.   |
| FALSE PRETENSE     | A deceit used to unlawfully gain money or other property belonging to another.   |
| FELONY             | A major crime. A crime punishable by death or imprisonment in a state prison.  |
| FRATRICIDE         | The act of one who murders or kills his own brother or sister.   |
| FENCE              | A common term used to describe a receiver of stolen property.  |
| FIDUCIARY          | One who holds property or goods in trust for another.  |
| FINE               | Money penalty for committing an unlawful act.  |
| FORFEITURE         | The loss of goods or other property as a punishment for a criminal act.  |
| FORGERY            | The false making or altering of a writing, with intent to defraud.   |
| GAMING             | A contract between persons by which they will gamble with dice, cards or other contrivances.   |
| GRAND JURY         | A body of persons sworn to inquire into crime and bring accusations against the suspected criminals and to make routine and special investigations and inquiries into the workings of government and its employees to assure that they act lawfully and in the spirit of democracy.  |
| GROSS NEGLIGENCE   | Great negligence.  |
| GENETICS           | The study of origins. In biology, the study of the transmission of characteristics of organisms by heredity.   |
| GENERAL INTENT     | That the accused did the act knowingly and intelligently but does <u>not</u> require that accused know the wrongfulness of the act.  |
| HABEAS CORPUS      | A writ by which a court directs the body of a person (the individual) to be brought before it, upon an accusation or unlawful detention. Every person who is detained in jail or otherwise has a right to be brought before the court to have that court determine whether or not that detention is lawful and if it shall continue. |

HABITUAL  
CRIMINAL

A person sentenced to prison for a long time or for life because of two or more previous convictions.

HEARSAY  
EVIDENCE

Evidence not proceeding from personal knowledge of the witness but from the mere repetition of what he has heard others say. That which does not derive its value solely from the credit of the witness, but rests mainly on the veracity and competency of other persons. The very nature of the evidence shows its weakness and it is admitted only in specified cases from necessity.

Hearsay evidence is second-hand evidence, as distinguished from original evidence; it is the repetition at second-hand of what would be original evidence if given by the person who originally made the statement. Literally it is what the witness says he heard another person say.

Evidence, oral or written, is hearsay when its probative force depends upon the competency and credibility of a person other than the witness. Hearsay is a statement made by a person not called as a witness, received in evidence on the trial.

Ordinarily hearsay evidence is not admitted because the probabilities of falsehood and misrepresentation, either wilful or unintentional, are greatly multiplied every time the statement is repeated, and furthermore, the person originally making the statement is, in most cases, not under the same obligation to tell the truth as witness who has been duly sworn and is subject to penalty for perjury.

However, there are a number of exceptions to the rule excluding hearsay evidence. It has often been said that the exceptions are more important than the rule itself. These exceptions include CONFESSIONS; ADMISSIONS; DECLARATIONS AGAINST INTEREST; DECLARATIONS CONCERNING PEDIGREE; DYING DECLARATIONS; THOSE THINGS WHICH ARE PART OF THE "RES GESTAE" AND many more.

## HOMICIDE

The killing of a human being by another human being.

## HUE AND CRY

A requirement of citizens of early England which made pursuit of a wanted criminal mandatory of all able bodied men when called upon by the cry for help of someone in pursuit of a criminal.

## INCEST

The intermarriage or sexual intercourse between persons within the degrees of consanguinity within which marriages are prohibited by law.

## INDICTMENT

An indictment is an accusation founded on legal testimony of witnesses and the concurring judgment of at least 12 members of the Grand Jury. - A formal accusation of crime, presented by the District Attorney and with officers and/or witnesses testimony. If approved by the Grand Jury, it is given to the Court as a "True Bill".

## INDIGENT

An individual who cannot financially afford an attorney.

|                       |   |
|-----------------------|---|
| INFORMATION           | A formal accusation of crime, presented by the District Attorney to the Court, without the submission to a Grand Jury that is necessary in the case of an indictment.                             |
| INQUEST               | An inquiry by a Court or Coroner into the cause of violent or unusual death.  |
| JUDGMENT              | The official declaration by a court of the result of a law-suit.  |
| JUDICIAL NOTICE       | The notice which a Judge will take of facts of common knowledge without the necessity of proving them.  |
| JURISDICTION          | The geographical and legal boundries assigned to a Courts authority.  |
| KIDNAPPING            | The forcible stealing, taking, enticing, or carrying away of a human being for the purpose of extorting money or property.  |
| KLEPTOMANIAC          | An abnormal impulse to steal.   |
| LARCENY<br>(THEFT)    | The crime of the intentional taking of the property of another without their permission or by means of trick or device, asporting it with the intention of depriving the owner of their property. |
| LIBEL                 | A malicious publication, using signs or pictures, tending to blacken the memory of a dead person or the reputation of a living person.  |
| LOTTERY               | A scheme for the distribution of prizes by chance among the buyers of the chances.  |
| LYNCHING              | The taking by means of riot of any person from the lawful custody of any peace officer is a lynching. (does not require hanging)  |
| MAGISTRATE            | A Judge.  |
| MALICE                | An evil intent; the state of mind that makes an act criminal.   |
| MALICIOUS<br>MISCHIEF | Maliciously injuring or destroying any real or personal property.   |
| MANSLAUGHTER          | The unlawful killing of a person without malice; usually through negligence or in heat of passion.  |
| HAYHEM                | The crime of maliciously depriving another person of a part of his body or property disfiguring the body of another.  |
| MENS REA              | Guilty mind.  |
| MISDEMEANOR           | A lesser crime, usually punishable by County Jail sentence or a money fine. (Any crime punishable less than a felony.)  |
| MISPRISON             | The concealment of, or failure to prevent, the commission of a felony.  |
| MITTIMUS              | An Order of the Court to an officer directing him to take a person to a jail.   |

|                           |   |
|---------------------------|---|
| MODUS OPERANDI            | The manner or method of operation of a criminal.  |
| MOULAGE                   | A cast used to preserve evidence as of a tire tract footprint, etc.   |
| MURDER                    | The unlawful killing of a human being with malice aforethought.   |
| NOLLE PROSEQUI            | In some states, a formal statement by a District Attorney that he will not prosecute a criminal charge.   |
| NEWLY-DISCOVERED EVIDENCE | Evidence of a new and material fact, or new evidence in relation to a fact in issue, discovered by a party to a cause after the rendition of a verdict or judgment therein. Testimony discovered after trial, not discovered before trial by exercise of due diligence.   |
| NOLO CONTENDERE           | Formal declaration by an accused person that he will not defend himself against the accusation.   |
| NON COMPOS MENTIS         | Not of sound mind.  |
| NUISANCE                  | A condition that is annoying or that interferes with the use of property by others such as smell, a health hazzard, traffic blockade, etc.  |
| OBSTRUCTING JUSTICE       | The crime of interfering with the activities of those who seek justice in a Court, or of those who have the power or duty of administering justice or enforcing law.  |
| OPINION EVIDENCE          | <p>Ordinarily not admissible. This is where a witness endeavors to give his opinion of a fact in issue. This is the function of the jury. However there are <u>exceptions</u> to this general rule:</p> <p>1. In those cases where a mere statement of facts will not present a clear picture to the jury, the opinion of a witness is admissible but a foundation for its admission must first be laid. The witness must first establish that he was familiar with the fact in issue. Thus, if a witness testified that he knew a person for a number of years, worked with him, or lived next door to him, he could, in that way, lay a foundation from which he could testify as to his sanity, health, disposition, and many other things.</p> <p>When the facts on which an opinion is based are so numerous, minute, and intangible that is impracticable to present them to a jury. For example, a witness may have seen the defendant staggering along the street, acting and talking in a manner that would be hard to describe to the jury but from which he instantly drew the conclusion that the man was drunk. Such instantaneous conclusions or opinions may be admitted. The witness could state that he was drunk. Upon the same theory a witness could give his opinion as to anger, fear, excitement, etc.....</p> |

2. EXPERT WITNESS -- Must first establish that he is qualified to give an expert opinion by showing that he has training and practical experience in the field in which he sets himself up as an authority. Such opinion evidence is admissible only upon subjects not within the knowledge of men of ordinary experience and upon the ground that the facts are of such a nature that they cannot be presented in such a manner that jurors of ordinary intelligence and experience can draw correct inferences from them. The opinions of physicans, fingerprint experts, handwriting experts, wood experts, and many more come under this.

|                                    |  |
|------------------------------------|--|
| ORAL EVIDENCE                      | Evidence given by word of mouth; the oral testimony of a witness.  |
| ORDINANCE                          | A law or local application, usually that of a city or county.  |
| OVERT ACT                          | An open act from which intent to commit a crime can be implied.  |
| PAROLE                             | A release given to a convicted criminal upon certain conditions and after having served part of his sentence in a State or Federal institution, usually requiring a period of supervision. |
| PARTIES TO A CRIME                 | Principals and accessories in California.  |
| PENAL                              | A word denoting punishment for crime. In some states the criminal law is embodied in the "penal code."   |
| PERJURY                            | Giving false evidence while under oath.  |
| PETIT JURY                         | A trial jury, as distinguished from a grand jury.  |
| PLEA                               | The answer that the accused person makes to the charge against him such as Guilty, Not Guilty, etc.  |
| POLICE POWER                       | The broad power under which the state can restrain private rights for the general welfare.   |
| POSSE OR POSSE COMITATUS           | A number of persons summoned to assist a Sheriff usually in pursuing a criminal. (means - power of the county)   |
| P.O.S.T.                           | The California Commission on Peace Officers Standards and Training.  |
| POSTMORTEM                         | After death, usually refers to an examination to determine cause of death.   |
| POSTMORTEM LAVITY                  | After death, refers to settling of fluids due to gravity to the portions of the body closest to the ground. Helpful in investigations in determining time of death.                        |
| PRELIMINARY EXAMINATION OR HEARING | Accused taken before a magistrate to determine if there is cause to believe that he or she should be held on a criminal charge and whether or not a crime was actually committed.          |



**PREPONDERANCE OF EVIDENCE** Greater weight of evidence, or evidence which is more credible and convincing to the mind. That which best accords with reason and probability. The word "preponderance" means something of more than "weight"; it denotes a superiority of weight, or outweighing.

PREPONDERANCE OF EVIDENCE may not be determined by the number of witnesses, but by the greater weight of all evidence, which does not necessarily mean the greater number of witnesses, but opportunity for knowledge, information possessed, and manner of testifying determines the weight of testimony.

**PRESENTMENT** The notice of and consideration of crime by a Grand Jury.

**PRESUMPTION** In the law of evidence an assumption that an act is so until the contrary is proved, such as the presumption of innocence.

**PRIMA FACIE** Evidence which, unless contradicted, is sufficient on its face to maintain a proposition or accusation. (on face value on at first glance)

**PRINCIPAL** All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense, or aid and abet in its commission, or, not being present have advised and encouraged its commission, and all persons counseling, advising or encouraging children under the age of 14 years, lunatics, or idiots, to commit any crime, or who, by fraud, contrivance, or force, occasion the drunkenness of another for the purpose of causing him to commit any crime, or who, by threats, menaces, command, or coercion, compel another to commit any crime, are principals in any crime so committed. All are equally guilty and equally punishable.

**PRIVILEGED COMMUNICATION** One that need not be given in evidence, as a communication between a spouse, a priest, doctor, lawyer.

**PROBABLE CAUSE** Having more evidence for than against; a reasonable ground for belief in the existence of facts warranting the proceedings complained of. An apparent state of facts found to exist upon reasonable inquiry (that is, such inquiry as the given case renders convenient and proper), which would induce a reasonable and prudent man to believe, in a criminal case, that the accused person had committed the crime charged; the existence of such facts and circumstances as would excite the belief in a reasonable mind, acting on the facts within the knowledge of the prosecutor, that the person charged was guilty of the crime for which he was prosecuted.

A reasonable ground of suspicion, supported by circumstances sufficiently strong to warrant a prudent and cautious man to believe that the accused is guilty of the offense which he is charged.

Such a state of facts and circumstances known to the prosecutor personally or by information from others as would, in the judgment of the court, lead a man of ordinary caution, acting conscientiously in the light of such facts and circumstances, to believe that the person charged is guilty.

PROBATION

A system of letting a convicted man go free instead of imprisoning him on condition that he observe certain terms of the probation in lieu of or after county jail sentence frequently requiring varying degrees of supervision.

PROCESS

The summons and other written orders issuing from a court.

PROSECUTION

The court proceedings for convicting a criminal; sometimes also used for the group of persons so concerned, such as the staff of the District Attorney, as distinguished from the "defense."

PSYCHOTIC

A person having a serious mental disorder.

RAPE

Sexual intercourse with a female not the wife of the purpatrator accompanied by force or great fear of force, or deceit or with a person under 18 years of age or mentally ill or incompetent to consent or unconscious and unable to consent.

REASONABLE  
DOUBT

Reasonable doubt does not mean a mere possible doubt. It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the mind of jurors in that condition that they cannot say they feel an abiding conviction to a moral certainty of the truth of the charge.

All presumptions of law independent of evidence are in favor of innocence; and every person is presumed to be innocent until he is proved guilty. If, upon such proof, there is a reasonable doubt remaining, the accused is entitled to the benefit of it by acquittal.

A certainty that convinces and directs the understanding and satisfies the reason and judgment of those who are conscientiously upon it. This is proof beyond reasonable doubt; because if the law, which mostly depends upon consideration of moral nature, should go further than this, and require absolute certainty it would exclude circumstantial evidence altogether.

REAL OR  
PHYSICAL  
EVIDENCE

Evidence furnished by things themselves, on view or inspection, as distinguished from a description of them by the mouth of a witness; the physical appearance of a person when exhibited to the jury such as marks, scars, wounds, finger-prints, etc. Also, weapons or implements used in the commission of a crime, and other inanimate objects, and evidence of the physical appearance of a place (the scene of an accident or of the commission of a crime or of property to be taken under condemnation proceedings) as obtained by a jury when they are taken to view it.

|                    |  |
|--------------------|--|
| REBUTTING EVIDENCE | Evidence given to explain, repel, counteract, or disprove facts given in evidence by the adverse party. Also evidence given in opposition to a presumption of fact or prima facie case; in this sense it may be not only counteracting evidence, but evidence sufficient to counteract, that is conclusive.  |
| RECEIVER           | A person who with knowledge takes stolen goods from a thief.   |
| RECIDIVIST         | A habitual criminal; one who has been convicted more than once of crime, misdemeanor, or delinquency; a confirmed criminal; a repeater.  |
| RELEVANT           | In the law of evidence - having to do with, or relating to, the case in hand; pertinent - as relevant testimony.   |
| REPLEVIN           | The recovery by a person of goods claimed to have been wrongfully seized. To take or get back by a writ, or order of court.  |
| REPRESSION         | The act of rechecking or keeping under restraint or control. The state of being kept under restraint.  |
| REPRIEVE           | A delay in the execution of a sentence; to grant a delay of punishment.  |
| REPUDIATE          | To reject; to refuse to acknowledge or to pay; renounce.   |
| RES GESTAE         | Acts incidental to a main fact and explanatory of it. The words and acts done immediately after an accident are considered to be part of it in the law of evidence.  |
| RES JUDICATA       | A matter that is adjudicated, that is legally settled.   |
| RESTITUTION        | The giving back of a thing, or its value, to the lawful owner.   |
| RIGOR MORTIS       | The stiffening of muscles after death.   |
| RIOT               | Any use of force of violence, disturbing the public peace, or any threat to use such force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot. In criminal law - A tumultuous disturbance of the peace by three persons or more, assembling together of their own authority, with an intent mutually to assist each other against any who shall oppose them, in the execution of some enterprise of a private nature, and afterwards actually executing the same in a violent and turbulent manner, to the terror of the people, whether the act intend were of itself lawful or unlawful. |
| ROBBERY            | The felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear.   |
| ROUT               | Whenever two or more persons, assembled and acting together, make any attempt or advance toward the commission of an act which would be a riot if actually committed, such assembly is a rout. (an attempted riot)   |

|                       |  |
|-----------------------|--|
| SCINTILLA OF EVIDENCE | A spark of evidence. Any material evidence, which, if true, would tend to establish the issue in the mind of a reasonable jury.  |
| SECRETE               | To conceal or hide away.   |
| SEARCH WARRANT        | A written order, by a justice or other magistrate, in the name of the state, directed to a sheriff, constable or other peace officer, commanding him to search a specified house, shop, or other premises, for personal property alleged to have been stolen, or for unlawful goods, and to bring the same, when found, before the magistrate, and usually also the body of the person occupying the premises, to be dealt with according to law. A written order commanding a peace officer to search for certain personal property and bring to judge or magistrate. |
| SEDITION              | An offense against the government of a country, not capital, and not amounting to treason, consisting of attempts made by meeting, or by speeches or publications to disturb the tranquility of the State or excite discontent against the government.   |
| SHIRE-REEVE           | The Old English counter part of our present-day sheriff.   |
| SPECIFIC INTENT       | Criminal intent requiring "Men Rea" (guilty mind) implies knowledge of the wrongfulness of the act.  |
| SQUATTER              | One who settles on another's land without title or authority.  |
| STARE DECISIS         | Doctrin of the courts to stand by precedents established in earlier cases.   |
| STATUTE               | An act of the legislature of a State (declaring) commanding or prohibiting something. Statute law is the express written will of the legislature, rendered authentic by certain prescribed forms.  |
| STIGMA                | The ego destructive effects of attaching a negative label to a person <u>ex</u> pervert - thief - criminal.  |
| SUBORNATION           | The offense of procuring another to commit perjury.  |
| SUBPOENA              | A writ commanding the attendance or appearance of a witness or party in court, or before a judicial officer, under a penalty in case of disobedience.  |
| SUBROGATION           | The substitution of one person in the place of another as a creditor with a succession to the rights of the latter.  |
| SUMMONS               | A writ directed to a sheriff, requiring him to summon a defendant to appear in court to answer a plaintiff's action. (civil)   |
| TESTIMONY             | "Testimony," again, is a still more restricted term. It properly means only such evidence as is delivered by a witness on the trial of a cause, either orally or in the form of affidavits or depositions. Thus, an ancient deed, when offered under proper circumstances, is evidence, but it could not strictly be called "testimony."   |

|                     |  |
|---------------------|--|
| TITHINGS & HUNDREDS | A practice of grouping landowners (freeholders) in groups of 10 and 100 respectively in Old England for the purpose of holding each member responsible for each others conduct.                                  |
| TRESPASS            | Invasion of another person's rights or territory; to enter unlawfully upon another person's land.  |
| USURY               | Unlawful interest. Payment of excessive rate of interest established by law.   |
| UTTER               | To publish; to circulate.  |
| VENUE               | Geographical location. The place or county in which an injury is declared to have been done, in relation to jurisdiction of competent court authorized to hear a case resulting from such injury or illegal act. |
| VERDICT             | The finding of a jury or Judge in favor of one or the other party to an action at law.   |
| VICTIMLESS CRIMES   | An unlawful act where all the parties willingly participate, <u>ex</u> prostitution, vice, gambling, etc.  |
| VOID                | Of no force, or effect; absolutely null; that cannot be confirmed, or made effectual.  |
| WRIT                | A judicial instrument by which a court commands some act to be done by the person to whom it is directed.  |

SUPPLEMENT TO VOCABULARY LIST

|                            |   |
|----------------------------|---|
| Witness:                   | Any person who testifies, under oath, as to what was seen, heard, etc.                                      |
| Admissability of Evidence: | Always a question of law decided by the court.  |
| Weight of Evidence:        | Effect or impact of admissible evidence upon the trier of fact.   |
| Subpoena duces tecum:      | A court order commanding that records, documents, objects, etc. be brought to court.                        |
| Confession:                | Statement of embodying all the elements of the charged crime which leaves no doubt as to guilt.             |
| Voir dire:                 | Preliminary examination.  |
| Cummulative evidence:      | Additional evidence covering a similar point.   |
| Presumption:               | A deduction which the law requires be made from certain established facts. May be rebuttable or conclusive. |
| Inference:                 | A deduction which <u>may</u> be arrived at from certain established facts.                                  |



**END**