

WELD COUNTY DISTRICT ATTORNEY

Entering the Criminal Justice System, either as a defendant or victim, can be extremely confusing to navigate. Here, you'll find common terms that will likely be used during the course of your case.

Frequently Used
Terms in the
Criminal Justice
System

1. **Advisement:** A court hearing at which defendants are notified of their rights, the charges against them and the possible penalties they face.
2. **Affidavit in Support of Warrantless Arrest:** When defendants are arrested without a warrant and are to be incarcerated in a jail, peace officers submit affidavits containing the facts upon which the arrests were based. A court then reviews these affidavits for defendants who remain in custody to determine whether there was probable cause for their arrest.
3. **Appeal:** A written request of an appellate court to review a jury verdict or a judge's ruling. In criminal cases, defendants may ask an appellate court to review the propriety of their convictions or sentences. In misdemeanor cases, a district court serves as the appellate court of first resort for a defendant's appeal. In felony cases, the Court of Appeals is the appellate court of first resort for a defendant's appeal. The Supreme Court reviews some cases decided by both the district courts and the Court of Appeals.
4. **Arraignment:** A court hearing at which a defendant has his or her first opportunity to enter a plea to the charges. If a plea disposition has been reached, the defendant would plead guilty to an agreed upon charge. If no plea disposition has been reached, a defendant usually pleads not guilty to the charges. In a few cases, defendants plead not guilty by reason of insanity at the time of the arraignment.
5. **Arrest Warrant:** A court order that allows police officers to take a defendant into custody.
6. **Bail or Bond:** One of the ways in which a defendant can be released from custody or jail and remain at liberty while awaiting trial. There can be various kinds of bonds, including personal recognizance bond (an unsecured, written promise to appear); a co-signed bond (another person executes a promise that he or she will ensure that the defendant appears when told); a cash bond (secured by money); a surety bond (a bond secured by a bondsman); or a property bond (a bond secured by realty, like a house). Judges determine the amount and type of bond.
7. **Burden of Proof:** The prosecution must prove the defendant committed all the essential elements of the crime to the jury's or court's satisfaction beyond a reasonable doubt.

8. **Charge:** This is the government's allegation against a defendant, as in, "Mr. Jones has been charged with third-degree assault."
9. **Concurrent Sentence:** Upon conviction of multiple crimes, a concurrent sentence means the defendant serves all sentences at the same time.
10. **Consecutive Sentence:** Upon conviction of multiple crimes, a consecutive sentence means the defendant serves one sentence before serving the next sentence.
11. **Continuance:** A postponement of a trial or hearing to a later date, which can be granted only by the court.
12. **County Court:** As far as criminal cases are concerned, the county court is the court that handles proceedings in traffic and misdemeanor cases.
13. **Defendant:** A person charged with having committed a crime.
14. **Deferred Judgment and Sentence:** Defendant enters a guilty plea to a criminal charge, but sentencing is postponed for a specified length of time. If the defendant complies with conditions established by the judge, the case is dismissed.
15. **District Court:** As far as criminal cases are concerned, the district court is the court that handles proceedings in felony cases, as well as appeals from county court cases.
16. **Extradition:** The process by which a fugitive who has committed a crime in one state and has fled to another can be returned to the original state to face charges.
17. **Felony:** A serious charge that carries a potential sentence of incarceration in prison. In Colorado, people who are incarcerated for felony convictions lose the right to vote until they are released from parole.
18. **Grand Jury:** A group of citizens, selected by the district attorney and the court, which hears evidence in a secret session and makes a determination whether there is probable cause to believe that a defendant has committed a crime.
19. **Indictment:** A document issued by a grand jury, which has determined that there exists probably cause to believe that a defendant has committed a criminal offense, that charges the defendant with the crime.
20. **Information:** A document issued by a district attorney's office that charges a defendant with a crime.

21. **Misdemeanor:** A less-serious charge than a felony. Misdemeanor charges carry a potential sentence of incarceration in a county jail, probation, fines, treatment or useful public service.
22. **Motions Hearing:** A hearing at which the judge decides legal and factual matters brought up by the attorneys prior to trial. Examples of common motions include (1) a motion to suppress evidence from use at trial because the defendant alleges that the search that discovered the evidence was illegal, and (2) a motion to suppress the defendant's statement from use at trial because the police allegedly did not follow the appropriate procedure before the statement was made.
23. **No Contact:** A condition of bond that means a defendant cannot have contact with a victim by phone, letter, through a third party or in person.
24. **Parole:** The early release of a person from prison under supervision.
25. **Penalty Assessment:** A type of summons and complaint, normally used in civil traffic infractions, that allows a person to mail in a fine and agree that a certain number of points will be assessed against his or her driving privileges without having to go to court.
26. **Petty Offense:** Charges that are less serious than misdemeanors.
27. **Plea:** A defendant's formal response to the charges, normally given in open court. The most frequent pleas are "guilty" or "not guilty." Less common are pleas like "not guilty by reason of insanity."
28. **Plea Disposition:** An agreement between a defendant and the prosecutor to resolve the charges in a case instead of going to trial. One example of a plea disposition is that a defendant agrees to plead guilty to a lesser charge in exchange for the prosecutor's agreement to dismiss a more serious charge. Another example is a defendant agrees to plead guilty to the charge in one case in exchange for the prosecutor's agreement to dismiss another case.
29. **Preliminary Hearing:** A court hearing at which the judge determines whether there is probable cause to believe that the defendant committed the crime or crimes charged. Preliminary hearings are only available in certain felony cases.

- 30. Pre-Trial Conference:** A meeting between the prosecutor and the defendant or his attorney to discuss a possible resolution of a case without going to trial.
- 31. Probation:** The release, under conditions of good behavior, of a person convicted of a crime as an alternative to imprisonment with the supervision of the probation department.
- 32. Restitution:** A judge orders the defendant to pay the victim an amount for fiscal losses or personal injuries caused by the crime as a condition of the defendant's sentence.
- 33. Search Warrant:** A court order that authorizes the police to search a described place, such as a home or a business.
- 34. Sentence:** The punishment given, by a judge, to a defendant upon conviction or plea to a crime.
- 35. Sentencing Hearing:** The hearing at which the judge imposes sentence. A sentence can, for example, be an order that the defendant be incarcerated in a jail or a prison, a placement of a defendant in a community corrections facility, requiring a defendant to submit to the supervision of the probation department, the imposition of a fine or a requirement that a defendant perform useful public service.
- 36. Subpoena:** A written court order to a person to attend court to be a witness or to bring specified items or documents to court.
- 37. Summons:** A document, served upon a defendant, which orders the defendant to appear at a specified date and time in order to face charges. Less serious felony cases are initiated when defendants are served with a copy of information and a summons.
- 38. Summons and Complaint:** A document served upon a defendant by police officers that combines a misdemeanor or petty offense charge with an order requiring the defendant to come to court to answer the charge at a specified date and time.
- 39. Testimony:** Statements made in court by competent witnesses under oath.
- 40. Traffic Infractions:** Civil traffic tickets that only carry the possibility of a fine and points against one's driving privileges.
- 41. Trial:** An examination of fact and law at which a defendant's guilt is determined by a jury or judge. It is the prosecution's burden to

establish all of the elements of the crime or crimes charged beyond a reasonable doubt.