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## COURT & LEGAL TERMINOLOGY

**Abated by death:** Case disposed of by death.

**Abduction:** Taking away by violence or fraud and persuasion: kidnapping. Usually a female or wife, child or ward.

**Abstraction:** Taking away with intent to harm or deceive.

**Abstract of Judgment:** A type of document to be filed with the court to keep a civil judgment or federal and/or state tax lien “open” until satisfied.

**ABWIK; South Carolina:** Assault & battery with intent to kill.

**Accessory:** Not the perpetrator of the crime but in some way involved without being present in the commission of the crime.

**Accessory After the Fact:** One who helps a criminal to elude arrest.

**Accessory Before the Fact:** One who induces another to commit a crime.

**Acquittal:** A legal judgment that an accused is not guilty of the crime for which he or she has been charged and tried.

**Action:** A court proceeding wherein one party prosecutes another party for a wrong done, or for protection of a right or prevention of a wrong.

**Active Case:** Case is currently active.

**Adjourn:** To postpone; to delay briefly a court proceeding though recess. An adjournment for a longer duration is termed continuance.

**Adjudication:** The determination of a controversy and pronouncement of judgment.

**Adjudication is Withheld:** The court will withhold a decision until a future date. Usually some sort of probation is added and if the defendant complies with the conditions for a specified period of time, the case will be dismissed.

**Affidavit:** A voluntary, written statement of fact, confirmed by oath.



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**Aggravated Assault:** An assault where serious bodily injury is inflicted on the person assaulted, an assault with a dangerous or deadly weapon.

**Aiding and Abetting:** To assist and/or incite another to commit a crime.

**Alias (AKA):** “Otherwise known as”; an indication that a person is known by more than one name.

**Alien:** One who is not a citizen of the country in which he/she lives.

**Alimony:** Court-ordered payment of support of one’s estranged spouse in the case of divorce or separation.

**Annul:** To make void; to dissolve that which once existed, as to annul a marriage. Annulment wipes out or invalidates the entire marriage, whereas a divorce only ends a marriage from that point on and does not affect the former validity of the marriage.

**Amended Case Type:** Case types may be amended throughout court proceedings to stronger or lesser types. For example, a defendant may be charged with assault with a deadly weapon, but then the victim dies, so case type may be amended to murder or manslaughter. The amended type is the prevailing type.

**Amended Charge:** Charges may be amended throughout court proceedings to stronger or lesser charges. For example, a defendant may be charged with assault with a deadly weapon, but then the victim dies, so case type may be amended to murder or manslaughter. The amended charge is the prevailing charge.

**Antitrust Acts or Laws:** Laws to protect trade or commerce from unlawful practice.



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**Appeal:** A request to a higher court to review and reverse the decision of a lower court. On an appeal, no new evidence is introduced. The higher court is limited to considering whether the lower court erred on a question of law or gave a decision plainly contrary to the evidence presented in the trial. An appeal cannot be made until the lower court renders a final judgment.

**Appellant:** One who makes a complaint to a superior court to review the decision of a lower court.

**Appellate Court:** A court having jurisdiction of appeal and review. Not a trial court.

**Appropriate:** To take something from another for one’s own use or benefit.

**Arbitration:** Submitting a controversy to an impartial person, the arbitrator, chosen by the two parties in the dispute to determine an equitable settlement. Where the parties agree to be bound by the determination of the arbitrator, the process is called Binding Arbitration.

**Arbitrator:** An impartial person chosen by the parties to solve a dispute between them, who is empowered to make a final determination concerning the issue(s) in controversy, who is bound only by his/her own discretion, and from whose decision there is no appeal.

**Archive/Archives:** The place where records are stored after a certain specified period of time. The period of time a record is held at a court of record may differ between courts and states.

**ARD (Accelerated Rehabilitation Disposition):** For a criminal case; 1st offender program. If program is completed and fines/costs are paid, there is a possibility that the charge(s) might be dismissed.

**Arraign:** To bring a defendant to court to answer the charge under which an indictment has been handed down.



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**Arraignment:** An initial step in the criminal process in which the defendant is formally charged with an offense, given a copy of the complaint, indictment, information, or other accusatory instrument, and informed of his/her constitutional rights, including the pleas he/she may enter.

**Arrears/ Arrearages:** That which is unpaid although due to be paid. A person in arrears is behind in payment.

**Arson:** The attempted or intentional destruction of property by fire or explosion.

**Assault:** An attempt or apparent attempt to inflict bodily injury upon another by using unlawful force, accompanied by the apparent ability to injure that person if not prevented. An assault need not result in touching so as to constitute a battery. Thus, no physical injury needs to be proved to establish an assault. An assault may be either civil or criminal. Some jurisdictions have defined criminal assault to include battery – the actual physical injuring.

**Bad Check:** A check that is dishonored on presentation because of insufficient funds (NSF), unavailable funds, or a closed bank account. Issuing a bad check is a form of larceny (theft).

**Bad Debt:** A debt that is not collectible and is therefore worthless to the creditor.

**Bail:** An amount of money, set by a judge at an initial appearance to ensure the return of an accused at subsequent proceedings.

**Bail Forfeiture:** Defendant allowed to forfeit bail and is found guilty of the offense charged.

**Battery:** The unlawful touching of or use of force on another person willfully or in anger. Battery may be considered either a tort, giving rise to civil liability for damages to the victim or a crime.

**Bench Trial:** Trial by judge, without a jury.



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**Bench Warrant:** A court order for the arrest of a person; commonly issued to compel a person’s attendance before the court to answer a charge of contempt or if a witness or a defendant fails to attend after a subpoena has been duly served.

**Blackmail:** An illegal demand for money or property under threat of harm or exposure of undesirable acts.

**Bond:** A certificate of obligation, either unsecured or secured with collateral, to pay a specified amount of money within a specified period of time.

**Bond Forfeiture:** The permanent loss of property (money in this case) for failure to comply with the law. Interest is accrued. This is not a conviction, nor a finding of innocence.

**Bookmaking:** An operation with the purpose of placing, registering, paying off or collecting debts for bets.

**Bound Over:** Court finds probable cause exists to believe the accused committed the offense charged and binds the charge over to superior court.

**Breach of Contract:** A wrongful nonperformance of any contractual duty of immediate performance; failing to perform acts promised, by hindering or preventing such performance or by repudiating the duty to perform.

**Breach:** Failure to perform some contracted-for or agreed-upon act, or to comply with a legal duty owed to another or to society.

**Breaking and Entering:** Two of the elements necessary to constitute a burglary, consisting of the use of physical force, however slight, to remove an obstruction to an entrance. For example, pushing open a door that is ajar, followed by unauthorized entry into a building, is sufficient to constitute the breaking and entering elements of a burglary.

**Bribery:** The voluntary giving of something of value to influence the performance of an official duty.



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**Capias:** The Latin meaning is “That You Take.” This is the name for several types of writs, which require that a law enforcement official take a named defendant into custody.

**Capital Case/Crime:** Case or crime for which the death penalty may be imposed.

**Capital Punishment:** Punishment by death for capital crime.

**Carnal:** Sexual or sensual in nature. Carnal knowledge is sexual intercourse.

**Case Sent to Collections:** Case sent to a collection agency to collect on past due fines, fees or court costs.

**Case:** An action, cause, suit or controversy, at law, or in equity.

**Cause of Action:** A claim in law and fact sufficient to form the basis of a valid lawsuit, as a breach of contract; the composite of facts that gives rise to a right of action. Right of action is the legal right to sue.

**Change of Venue:** Offense transferred to the court in the appropriate geographical area.

**Charge:** In criminal law, a charge is an allegation that an individual has committed a specific offense.

**Child Support:** The amount of money the court requires one spouse to pay to the other who has custody of the children born of marriage, may be imposed by the court with or without an award of alimony.

**Citation:** An order issued by a law enforcement officer requiring appearance in court to answer a charge. Bail is not accepted in lieu of appearance.

**City Court:** Courts that try persons accused of violating municipal ordinances. City courts may have jurisdiction over minor civil or criminal cases, or both.

**Civil Action:** An action to protect a private right or to compel a civil remedy in a dispute between private parties, as distinguished from a criminal prosecution.



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**Civil:** A branch of law that pertains to suits other than criminal practice and is concerned with the rights and duties of persons.

**Civil Contempt:** Failure to do something ordered by the court for the benefit of another party to the proceedings.

**Civil Disorder:** A violent public disturbance by three or more people, which causes danger, damage or injury to property or persons.

**Co-defendant:** One of a group of two or more people charged in the same crime.

**Coercion:** The use of physical force or threats to compel someone to commit an act against his or her will.

**Complaint:** 1. In a civil action, the first pleading of the plaintiff setting out the facts on which the claim is based. 2. In criminal law, the preliminary charge or accusation made by one person against the other.

**Compounding Crime:** The receipt by an individual of consideration in exchange for an agreement not to prosecute or inform on someone who they know has committed a crime.

**Concurrent Sentences:** Two or more terms of a sentence served simultaneously.

**Conditional Discharge:** A conviction. Court issues the discharge from the jail and requires defendant to comply with some conditions. Regardless whether defendant complies with rules or not, he/she is still convicted (Guilty) and case can never be expunged.

**Conditional Release:** The release from a correctional facility before full sentence has been served which is conditioned on specific behavior. If conditions are not met the individual may be returned to the facility.

**Consecutive Sentences:** Multiple sentences, served one after the other.



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**Conspiracy:** The coming together of two or more people for the purpose of committing an unlawful act or to commit an unlawful act by unlawful means.

**Contempt of Court:** An act or omission tending to interfere with orderly administration of justice, or to impair the dignity of the court or respect for its authority.

**Continuance:** The adjournment or postponement, to a specified subsequent date, of an action pending in court.

**Contract:** A promise; a transaction involving two or more individuals whereby each has reciprocal rights to demand performance of what is promised.

**Controlled Substance:** Drug whose general availability is restricted, regulated or outlawed because of its potential for abuse or addiction.

**Conversion:** The unauthorized taking of another’s property.

**Conviction:** Guilty verdict in a criminal trial.

**Corporation:** An association of shareholders (or a single shareholder) created under law as an artificial person, having a legal entity separate from the individuals who compose it, with the capacity of continuous existence or succession, and the capacity of taking, holding, and conveying property, and the capacity of suing and being sued, and exercising like a natural person other powers that are conferred on it by law. A corporation is normally limited to its assets; the shareholders are thus protected against personal liability for the corporation.

**Count/Charge:** An offense named in a cause of action. A cause of action may contain multiple counts or charges, each relating to the others but identifying a separate offense.

**Counterfeit:** Forged; fabricated without right; made of imitation of something else to defraud by passing the false copy for genuine.



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**Court of Limited Jurisdiction:** Court that has authority to adjudicate cases of a certain kind or up to a limited amount, usually lesser offenses (opposite of Court of General Jurisdiction).

**Court of Record:** The court where the permanent record of all proceedings is held.

**Court Search:** SIR will search for criminal information in the primary criminal court in the jurisdiction(s) requested. Searches are per court and per name checked unless otherwise noted. Availability of historical records will vary by court, but will include a minimum of 7 years.

**Credit Card Fraud:** Use, or attempted use of a credit card to purchase goods or services with the intent to avoid payment of such.

**Crimes Against Nature:** Deviate sexual intercourse.

**Criminal Contempt:** Acts disrespectful of the court or its process that obstruct administration of justice.

**Criminal Mischief:** A crime against property; the willful damaging of the property of another. Such offenses may include throwing rocks through windows, spray painting graffiti, slashing car tires or other acts of vandalism.

**Criminal Nonsupport:** Failure to pay child support in violation of court order. Culpability: Blame, or responsibility for a crime. This may be in degrees or purposeful, knowingly, recklessly or by negligence.

**Cumulative Sentence:** A sentence that takes effect after a prior sentence is completed for crimes tried under the same cause of action.

**Damages:** Monetary compensation that the law awards to one who has been injured by the action of another; monetary recompense for a legal wrong such as a breach of contract or a tortious act.

**Dangerous Weapon (or Instrument):** Almost any device that has the potential to cause serious bodily injury or endanger life.



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**DBA:** Abbreviation for "Doing Business As". Trade name. Usually filed at the County Recorders Office.

**De-Novo:** Latin for "anew" or "afresh." Usually used as Trial De Novo. New trial, or one that is held for a second time, as if there had been no previous trial or decision.

**Dead Docket:** The case never went to trial. The case can be reopened if new evidence is submitted.

**Deadly Weapon:** Any device capable of causing death or serious bodily injury. An instrument may be intrinsically deadly, as a knife or pistol, or deadly because of the way it is used, as a wrench or hammer.

**Debt:** An obligation of one person to pay or compensate another.

**Debtor:** One who owes another anything, or is under obligation, arising from express agreement, implication of law, or principles of natural justice, to pay money or to fulfill some other obligation; in bankruptcy or similar proceedings, the person who is the subject of the proceedings.

**Default Judgment:** 1. A judgment against defendant who has failed to respond to plaintiff's action or to appear at the trial or hearing; 2. Judgment given without the defendant being heard in his own defense.

**Defendant - Civil:** The party responding to the complaint.

**Defendant - Criminal:** The accused.

**Deferred Adjudication:** Postponing a judgment, this does not mean to omit or dismiss.

**Deferred Adjudication of Guilt:** The final judgment is delayed for a period of time. Can be likened to probation before a final verdict. If "probation" is completed without the incident, the charges are usually dropped and the case is dismissed. During the "probationary period" the disposition is not necessarily considered a conviction.



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**Deferred Discharge:** Dismissed and considered a non-conviction.

**Deferred Probation:** The judge doesn't make a finding of guilt; he assigns probation. If probation is completed with incident, the charges are usually dropped.

**Deferred Sentence:** Defendant found to have committed the crime, conditions imposed and now awaits sentencing on final outcome.

**Defraud:** Knowingly misrepresenting facts to cheat or trick.

**Degree (First, Second, or Third, A, B, or C):** Classification assigned to a crime, depending on circumstances, for purposes of determining punishment. First degree is considered more serious than third; A is more serious than C. Also referred to as "Grading".

**Deposit Account Fraud; Georgia:** Bad checks.

**Directed Verdict:** A determination by a jury, made at the direction of the judge. A directed verdict happens in cases where there has been a lack of evidence, an overwhelming amount of evidence, or where the law is in favor of one of the parties.

**Discharge:** 1. To satisfy or dismiss the obligations of contract or debt; 2. The method by which a legal duty is extinguished.

**Dismissal:** Finally disposing of the cause without further consideration. May be voluntary or involuntary. When involuntary, there is usually lack of prosecution or failure to produce sufficient evidence.

**Dismissed:** The judge orders the disposing of an action without trial of the issues involved or without any further consideration or hearing.

**Dismissed Without Leave; North Carolina:** The DA dismissed the charge/case, etc.



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**Dismissal Without Leave After Deferred:** Prosecution Charges dismissed after specified time (90 days to 1 year) provided certain conditions have been met such as participating in specified program of anger control or drug counseling or providing community service, etc.

**Dismissed Without Prejudice:** Such a dismissal is not on the merits and does not bar a subsequent suit on the same cause of action, nor affect any right or remedy of the parties.

**Disorderly Conduct:** Broadly signifies conduct that tends to breach the peace or endangers the morals, safety or health of the community.

**Disposed/Disposition:** The final settlement in the matter. Examples of disposed cases are those with a finding or guilt (conviction), innocence, or acquittal. District Court having jurisdiction over a territorial district.

**Diversion Granted:** Pre-trial intervention, first-time or petty criminal offenders are not subjected to the regular judicial process, usually placed on probation for no more than 1yr. Not an admission of guilt or a conviction.

**Diversion Program:** To set aside. A court direction which calls a defendant, who has been found guilty, to attend a work or educational program as part of probation. May include some type of anger management, drug rehab, etc. If the condition of program is met, charge may be considered a non-conviction.

**Diversity of Citizenship:** A crime of claim which extends between citizens of different states. This is one of the grounds that can be used to invoke the jurisdiction of the U.S. Federal District Court.

**Divorce:** Dissolution of the bonds of marriage

**DMV Hold:** The court notifies the Department of Motor Vehicles for non-compliance in criminal cases to place a hold for renewing a driver's license or car registration until the criminal matters are taken care of.

**Docket Record:** A court's official record of proceedings and calendar of upcoming cases.



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**DUI:** Driving under the influence

**DWAI:** Driving while ability impaired

**DWI:** Driving while intoxicated, alcohol or drugs. Complete intoxication is not required. Individual states statutes specify the blood alcohol content at which a person is presumed to be under the influence of intoxicating liquor.

**DWLS:** Driving while license suspended.

**Due Diligence:** A reasonable and expected measure of attention taken for a particular action. Not measurable by an absolute standard, but dependent on the situation.

**Due Process of Law:** Procedures followed by law enforcement and courts to insure the protection of an individual’s right as assigned by the Constitution.

**Education Verification:** SIR service where educational institutions are contacted to confirm degrees. We will also request information about dates of graduation, and GPA, but not all schools will provide this data. Some educational institutions require verifications to be handled by a 3<sup>rd</sup> party who charges a fee. SIR will check

**Embezzlement:** Fraudulent appropriation for one’s own use of property lawfully in his/her possession. Embezzlement is often associated with bank employees, public officials or officers of organizations, who may in the course of their lawful activities come into possession of property, such as money, actually owned by others.

**EMPJ; Los Angeles County, CA Civil:** Equal Employment

**Employment Verification:** SIR service where former employers are contacted to verify dates of employment. We will also attempt to confirm title, eligibility for rehire, and salary, but not all employers will provide this. Some employers require verifications to be handled by a 3<sup>rd</sup> party who charges a fee.

**Et Al:** Latin abbreviation for “and others”.



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**Eviction:** The physical expulsion of someone from land by the assertion of paramount title or through legal proceedings.

**Ex Parte:** In behalf of or on the application of one party; by or for one party. Ex parte judicial proceeding is one brought for the benefit of one party only, without notice to or challenge by an adverse party. An ex parte judicial proceeding the adverse party and his/her evidence are excluded.

**Ex Parte Judgment:** A judgment without knowledge or notice.

**Expungement of Records:** A procedure whereby a court orders the annulment and destruction of records of an arrest or other court proceedings. Some jurisdictions provide that an individual arrested and not convicted may apply to the court for an order of expungement and that if such an order is granted the individual may regard the arrest and all subsequent proceedings had as having not occurred in contemplation of law. Courtordered expungements may also be available as a remedy for unlawful arrests. Many states permit an expungement remedy as a means of removing civil disabilities following a period of good behavior after a conviction. Even an expunged record may be used for sentence enhancement and as a basis for denial of a federal firearms permit.

**Extortion:** Obtaining another’s property by actual or threatened force, fear or violence. Extradition: The surrender of an individual accused or convicted of a crime by one state to another.

**Family Law:** Divorce; child support; personal protection order cases.

**FCRA:** Fair Credit Reporting Act. Requires that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information.

**Federal Civil:** Claims against the Government (copy right, civil rights, government employees)

**Federal Courts:** The courts of the United States. Handle constitutional matters, certain specific offenses (i.e. kidnapping), and interstate disputes.



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**Felonious:** Describing an offense that is done with malicious, villainous criminal intent. IE. Felonious assault.

**Felony:** High Crimes, punishable by imprisonment for more than one year or by death.

**Felony Conversion:** (Fraudulent Conversion) Similar to embezzlement or theft. An example of felony conversion is if someone sold goods for a company, and kept the money instead of turning it in to the company (North Carolina).

**Files Archived / No Longer Available:** Cases that are either archived or destroyed. Cases that are archived may require ordering and additional charges. Court records are typically available for seven years before archival.

**Forcible Entry:** Entering or taking possession of property with force, threats or menacing conduct.

**Fraud:** A broad term used to cover all kinds of acts. Generally, fraud is the commission of an act with the goal to benefit or gain advantage at another's expense. A purposeful misrepresentation with the intent to deceive.

**Georgia 1st Offender Act:** O.C.G.A. § 42-8-62 (In Part)...Upon fulfillment of the terms of probation, upon release by the court prior to the termination of the period thereof, or upon release from confinement, the defendant shall be discharged without court adjudication of guilt. The discharge shall completely exonerate the defendant of any criminal purpose and shall not affect any of his civil rights or liberties and the defendant shall not be considered to have a criminal conviction.

**Grading of Offense:** *See Degree.*

**Grand Jury:** A jury to determine whether the facts and accusations presented by the prosecutor warrant an indictment and eventual trial of the accused; called grand because of the relatively large number of jurors impaneled (usually 23) as compared with a Petit Jury.

**Grand Larceny:** The theft of property over a specified value. Dollar amounts vary by state.



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**Gross:** Flagrant, out of measure.

**Gross Misdemeanor:** Serious misdemeanor.

**GSA:** General Services Administration. SIR offers a search for federal sanctions listed with the U.S. General Services Administration.

**Guilty:** A judge or jury finds that the evidence proves beyond a reasonable doubt that the defendant committed the offense.

**HA; South Carolina:** House arrest.

**Habeas Corpus:** Criminal: to bring the petitioner before the court to inquire into the legality of his confinement. The writ of Federal habeas corpus is used to test the constitutionality of a state criminal conviction. The writ is used in the civil context to challenge the validity of child custody and deportations.

**Habitual Violator:** To have committed the same offense three times. Can also be charged as a habitual offender.

**Hijacking:** To take control of a vehicle by intimidation, force, or threatened force. Also, the theft of goods while in transit, as when transported in trucks.

**Homicide:** The killing of another human being. “Justifiable homicide” occurs in cases such as during the enforcement of law, and/or occurs without evil intent. “Excusable homicide” may occur by accident or in self-defense. “Felonious homicide” is the killing of another without justification. This type has two degrees – manslaughter and murder, depending on circumstances or intent. See Manslaughter; Murder.

**Hung Jury:** A hung jury is one in which all jurors cannot reach a consensus required for a verdict.

**Illegal Alien:** A non-citizen who has not been given permission by immigration authorities to reside in the country in which he/she is living.

**Illicit:** Prohibited or unlawful.

**Incendiary:** One who intentionally set fires. Arsonist.



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**Incorrigible:** One who is incapable of reform.

**Indictment:** A formal written accusation, drawn up and submitted under oath to a grand jury by the public prosecution attorney, charging one or more persons with a crime.

**Infraction /Violation/ Traffic:** Charges below Felony and Misdemeanor.

**Injunction:** A court order which prohibits a person from doing a specified act for a specified period of time.

**Intent:** The frame of mind or attitude of the person at the time an act was committed. See Culpability.

**Interrogation:** The process by which suspects are rigorously questioned by police.

**Intoxicates, Intoxication:** Reduction of physical or mental culpabilities caused by the ingestion of an intoxicating substance such as alcohol or drugs.

**Involuntary Dismissal:** Dismissed due to lack of prosecution or lack of evidence.

**Issue FIFA; Georgia:** to place a lien against. If a business or property is sold, this lien must be paid.

**Jail:** Place used for the detention of persons in the lawful custody of the government, such as a person accused of a crime who is held for trial or a person convicted of a crime who is serving a sentence. If the inmate is confined in a local police station, it is generally referred to as a lock-up; if temporarily confined in a courthouse during a trial, it is generally called a holding cell; if confined in a county facility for a period of 18 mo or less, it is often called a workhouse.

**Judgment:** The final decision of the court regarding a claim or case.

**Jurisdiction:** The power of a court to question facts, apply law, make decisions and judgments.



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**Jury:** A group, composed of the peers of the parties or a cross section of the community, summoned and sworn to decide on the facts in issue at a trial.

**Jury Trial:** The determination of a case by a jury.

**Kidnapping:** Taking and carrying away a person by force, fraud, threats or intimidation. Unlawfully confining a person for a substantial period of time in an isolated place.

**Larceny:** The feloniously taking and carrying away of the personal property of another, without his/her consent, by a person not entitled to possession, with intent to deprive the owner of the property and to convert it to the use of the taker or another person other than the owner. Larceny is sometimes classified as Grand Larceny or Petit Larceny, according to the value of the property taken or method employed.

**Leave to File Denied; Cook County, IL:** Same as Stricken Off Call With Leave to Reinstate (SOL) (STRICKEN)

**Legal Malice:** An act, committed without just cause or excuse, intended to inflict harm or cause death.

**Lewd and Lascivious:** Obscene, indecent.

**Libel:** Defamation of another person through print, pictures, or signs.

**Lis Pendens:** A pending suit.

**Magistrate:** Public officials, including judicial officers who have limited jurisdiction in criminal cases and civil causes.

**Mail Fraud:** The use of the mail system to commit a fraud.

**Malice:** The state of mind that accompanies the intentional doing of a wrongful act without justification and in wonton or willful disregard of the plain likelihood that harm will result.



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**Malice Aforethought:** Planning to commit an unlawful act without just cause or excuse.

**Manslaughter:** Unlawful killing of another without malice aforethought. Voluntary Manslaughter: intentional killing committed under circumstances that, although they do not justify the homicide, reduce the evil intent. A charge of manslaughter is appropriate where the defendant killed the victim in rage, terror or desperation. Involuntary Manslaughter consists of a homicide resulting from criminal negligence or recklessness. Voluntary Manslaughter is homicide that is committed during an act in the heat of passion.

**Mayhem:** The intentional infliction of injury on another which causes amputation, disfigurement or impairs the function of any part of the body.

**Merged:** Judgment is merged into another related charge/judgment.

**Misdemeanor:** Less serious than Felony and sanctioned by less severe penalties.

**Mistrial:** A trial which is terminated or declared invalid. Reasons for mistrial include misconduct on the part of the jury, defense team or the court, or illness on the part of the judge, jury, or defendant. May be followed by a retrial on the same charges.

**Motor Vehicle Records Check:** SIR will request from the state authority a driving record or abstract. Not all states make records available to a 3<sup>rd</sup> party reporting agency. All results are returned in compliance with the DPPA. Most states limit the information available to three years.

**Murder:** Unlawful killing of another human being with premeditated intent or malice aforethought. First Degree Murder is unlawful killing of another that is deliberate and premeditated. Second Degree Murder is unlawful killing of another with malice aforethought but without deliberation or premeditation.

**National CrimeNet:** SIR search of electronic criminal records from 50 States. Data sources vary by state but may include state and county court dockets, incarceration records, and arrest records. Searches are per name checked.



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**Nationwide Sex Offender Check:** SIR search of sex offender records from all 50 states plus the District of Columbia, Puerto Rico, and Guam. Records shielded from public disclosure will not be accessible.

**NCIC:** National Crime Information Center. Computerized records used by law enforcement agencies (FBI) to determine criminal records, arrest or bench warrants, or stolen vehicles are guns. This is not public access.

**Neglect:** The omission of proper attention.

**Negligence:** Failure to exercise a degree of care that a person of ordinary prudence would exercise under the same circumstances. Conduct that falls below the standard established by law for the protection of others against unreasonable risk of harm.

**Negotiated Plea:** See Plea Bargain.

**No Bill or No True Bill:** The decision by a grand jury that it will not bring indictment against the accused on the basis of the allegations and evidence presented by the prosecutor.

**No Contest:** A plea in which the defendant does not contest the charge. This has the same effect as a guilty plea except the conviction cannot be used against the defendant in a civil suit.

**No Papered; Washington, DC:** No follow up action was made after the initial charge was prepared. No prosecution, no conviction, no further interest. Sometimes a case is “No Papered” as part of a plea bargain, other times when the case is weak or the officer perhaps didn’t complete the necessary paper work.

**No Probable Cause:** These was not sufficient reason to bring case to trial.

**Nolle Prosequi (Nol Pros):** The state’s attorney declares that he or she will not prosecute a case or some charge on a case any further.

**Nolli Illigitimi Carborundum:** Latin phrase loosely translated, “hang in there.”



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## COURT & LEGAL TERMINOLOGY

**Nolo Contendre / No Contest (Latin vs. English):** A statement that the defendant will not contest a charge made by the government.

**Nonsuit:** A judgment ordered by the court against a plaintiff who fails to proceed to trial.

**Not Guilty:** A judge or jury finds that the evidence does not provide beyond a reasonable doubt that the defendant committed the offense.

**NWNI; Alabama:** Negotiating worthless non-negotiable instrument.

**Obtain Property under False Pretense:** The misrepresentation of the value of something. Passing bad check.

**OFAC:** A search of the most recent, master list of “Specially Designated Nationals and Blocked Persons” that is made available by the Office of Foreign Asset Control.

**OIG:** Office of Inspector General. SIR offers a search for health care sanctions listed with the U.S. Department of Health and Human Services - OIG.

**Pander:** The provide products or service that cater to the sexual gratification of others. To entice another into prostitution.

**Parole:** In criminal law, a conditional release from imprisonment that entitles the person receiving it to serve the remainder of his/her term outside prison if he/she complies with all conditions connected with his/her release. Compare probation.

**Parole Violation:** An act that does not conform to the terms of parole.

**Perjury:** Criminal offense of making false statements under oath.

**Petit (Petty) Jury:** Ordinary trial jury; whose function is to determine issued of fact in civil and criminal cases and to reach a verdict in conjunction with those findings. While the numbers of jurors has historically been twelve, many states now permit six-member juries in civil cases, and some states permit six-member juries to hear criminal cases as well.



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## COURT & LEGAL TERMINOLOGY

**Pjin:** Personal Injury.

**Plaintiff: civil:** The party who is complaining, suing; the Plaintiff has the burden of proof to state their claim against the defendant.

**Plea:** The defendant’s formal answer to a charge.

**Plea Bargain:** A plea of guilty to a lesser offense in return for a lighter sentence.

**Pray for Judgment, 1st Offense; North Carolina:** juveniles only, can use once every three years. Waives all fines/costs/penalties, etc.

**Preliminary Hearing:** In criminal law, 1. A hearing, before indictment, to determine whether probable cause for the arrest of a person exists; 2. A hearing to determine whether there is sufficient evidence to warrant the defendant’s continued detention and whether submission of such evidence to the grand jury is warranted.

**Premeditation:** Forethought. As one of the elements of first-degree murder, the term is often equated with intent and deliberateness.

**Pre-Sentence Investigation (PSI):** Usually conducted by a probation officer after a plea or verdict of guilt. Done before sentencing and includes information about the defendant’s criminal history and personal background.

**Pre-Trial Intervention (PTI):** A remedial program by which first-time or criminal offenders are not subjected to the regular judicial process, but rather are immediately placed under probationary supervision for a period usually no longer than one year. The program allows persons accused of a crime to avoid the stigma of conviction and a permanent criminal record by correcting their criminal behavior during the period of probation. Pre-conviction probationary programs divert persons from the ordinary criminal process without the admission of guilt or a conviction, and for this, they are called diversionary programs.

**Probable Cause:** Degree of proof needed to arrest.



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**Probate:** Act of proving that an instrument purporting to be a will was signed and otherwise executed in accordance with the legal requirements for a will, and of determining its validity.

**Probation:** Procedure where by a defendant is found guilty of a crime, upon a verdict of plea of guilty, is released by the court without imprisonment, subject to conditions imposed by the court, under the supervision of a probation officer. Compare parole

**Probation before judgment (PBJ):** Violation of probation terms may result in an entry of a conviction.

**Prosecution:** 1. The act of pursuing a lawsuit or criminal trial; 2. The party initiating a criminal suit, i.e. the state. If the civil litigant or the state in a criminal trial, fails to move the case towards final resolution or trial as required by the court schedule, the matter may be dismissed for want of prosecution or for failure to prosecute.

**PSE; South Carolina:** Public service employment.

**Quash/Quashed:** Declined to prosecute but with the option to reopen the case.

**Racketeering:** Originally, an organized conspiracy to commit extortion. Today, punishable offense created by Congress aimed at eradicating organized crime by providing for enhanced sanctions and new remedies to be used in dealing with the illegal activities of persons involved in organized crime.

**Rape:** Sex without consent. May be forcible or by intoxication, with a person who is underage and unable to give consent, or with a person with diminished mental and/or physical capabilities.

**Receiving Stolen Property:** A crime at common law that property be stolen by someone other than the person being charged with receiving it; that the person receiving it has actually received the property or aided in concealing it; that the person has knowledge that the property has been stolen; (in some jurisdictions) that the person received it with wrongful intent.



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**Reckless Disregard:** Refers to conduct without concern for consequences or danger.

**Reckless Driving:** Operation of an automobile in a dangerous manner under the circumstances, including speeding (or going too fast for the conditions, even though within the posted speed limit), driving after drinking (but not drunk), having too many passengers in the car, cutting in and out of traffic, failing to yield to other vehicles and other negligent acts.

**Reckless Endangerment:** An act that does or could cause injury to another, not necessarily with intent.

**Reckless:** Careless, inattentive to duty; foolishly heedless of danger; rash adventurous, indifferent to consequences; mindless; very negligent.

**Refused:** Charges were not accepted by the District Attorney’s Office.

**Remand:** To return an individual to custody pending further trial, or to return a case from an appellate to a lower court for further proceedings.

**Resident Alien:** A person who has been admitted to permanent resident status but has not been granted citizenship.

**Resisting Arrest:** Common-law offense involving physical efforts to oppose a lawful arrest.

**Restitution:** Payment made by a defendant to a victim as reimbursement for monetary losses incurred as a result of the crime.

**Restraining Order:** An order granted without notice or hearing, demanding the preservation of the status quo until a hearing can be held to determine the propriety of injunctive relief, temporary or permanent. A restraining order is always temporary, since it is granted pending a hearing; it is often called a TRO, a temporary restraining order.

**Retired (as Disposition):** The case can be brought up within the next year if the individual is arrested for anything. It is the judge’s decision and only he can take action. If the individual remains “clean,” then the case can be dismissed.



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## COURT & LEGAL TERMINOLOGY

**RICO Act:** Racketeer Influenced and Corrupt Organizations Act.

**Robbery:** Forcible stealing; the felonious taking of property from the person of another by violence or by putting him in fear.

**Armed Robbery:** Robbery aggravated by the fact that it is committed by a defendant armed with a dangerous weapon, whether or not the weapon is used in the course of committing the crime.

**Scofflaw; Nassau County, NY:** Driver’s license is suspended indefinitely.

**Sealing of Records:** The sealing of records, permitted in some states with respect to youthful offenders, so that only the court may examine such records.

**Search and Seizure:** A police practice whereby a person or place is searched and evidence useful in the investigation and prosecution of the crime is seized. The search and seizure is constitutionally limited by the Fourth Amendment and the Fourteenth Amendment to the United States Constitution and by provisions in several state constitutions, statutes and rules of court.

**Secreting Lien Property:** Hiding property that has a lien filed against it.

**Sedition:** Advocating the overthrow or reform of a government by unlawful means.

**Sentence:** A judgment of punishment for a criminal act.

**Separation:** A partial divorce decree, usually entered in the course of divorce proceedings, which directs the parties to live separately but does not dissolve the marriage.

**Serious Misdemeanor:** Having a more severe penalty than other misdemeanors.

**Slander:** Defamation verbal communication. Making false and malicious statements about another.



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## COURT & LEGAL TERMINOLOGY

**Social Security Validation:** We will review credit records to establish a match between the social security number and the applicant's name. This search also reveals historical addresses used by the applicant.

**Solicitation:** Asking, urging or enticing.

**Status Closed:** No further action will occur on this case; cannot be reopened at later date.

**Statutory Rape:** Sexual activity by an adult with a person under the age of consent.

**Stay of Execution:** Process whereby a judgment is precluded from being executed for a specific period.

**Stay:** A halt in the judicial proceedings where, by its order, the court will not take further action until the occurrence of some event.

**STET; Maryland:** A conditional stay of all further proceedings for a period of one year.

**Stricken:** To eliminate or expunge.

**Stricken Off Call/With Leave to Reinstate (SOL) (STRICKEN); Cook County, IL:**

The judge removes the case from the docket while reserving the right to recall or reinstate it at a later date.

**Suspended Sentence:** Deferment of punishment usually over a period of probation.

**Theft of Services:** Obtaining services without consent through deception, threat, tampering, etc.

**Theft/unauthorized:** Theft by using someone else's information, credit card, check, or something similar.



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**Tort:** A wrong; a private or civil wrong or injury resulting from a breach of a legal duty that exists by virtue of society’s expectations regarding interpersonal conduct rather than by contract or other private relationship.

**Trespass:** 1. In common law, a form of action instituted to recover damages for any unlawful injury to plaintiff’s person, property or rights, involving immediate force or violence; 2. The violent act that causes such injury; 3. Most common: a wrongful interference with the possession of property and is applied to personal property as well as to realty.

**Truncated Files:** Destroyed or partially destroyed. Unable to obtain any more information.

**Under the Influence of Intoxicating Liquor or Drugs:** Any condition where the nervous system, brain or muscles are impaired to an appreciable degree by an intoxicating substance.

**Undet: Unlawful detainment:** The act of holding possession without right, as in the case of a tenant whose lease has expired (landlord/tenant disputes over rent not being paid).

**Uniform Commercial Code (UCC):** A code of laws governing various commercial transactions, including the sale of goods, banking transactions, secured transactions in personal property, and other matters, that was designed to bring uniformity in these areas to the laws of the various states, and that has been adapted, with some modification, in all states (except Louisiana) as well as the District of Columbia and in the Virgin Islands. UCC’s expire after 5 yrs from time of filing, unless a continuation is filed.

**Unlawful Entry:** Entry without force and without permission by means of fraud or other wrongful act.

**Usury:** Charging more interest than is permitted by law for a loan of money.

**Uttering:** To forge another’s name.

**Vacate (Judgment):** To render void; to set aside.



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## COURT & LEGAL TERMINOLOGY

**Vehicular Homicide:** Death of another caused by the intentional, unlawful or negligent operation of a motor vehicle.

**Venue:** The geographic area where the case or claim occurred, within which a court with jurisdiction can hear and determine a case. A change of venue, or the moving of a case from one court to another may be granted for such reasons as when the court does not think the defendant can get a fair trial in that area or for the convenience of the parties in a civil case.

**Verdict:** The opinion rendered by a jury, or a judge where there is no jury, on a question of fact. A verdict is not a judicial determination, but rather a finding of fact that the trial court may accept or reject and utilize in formulating its judgment.

**Voluntary Dismissal:** The court or district attorney dismisses the charges against an individual.

**Waiver:** An intentional and voluntary surrender of some known right, which generally may either result from an express agreement or be inferred from circumstances.

**Waiver by Magistrate:** Charges are waived after the defendant agrees to pay a fine. The defendant is not prosecuted on this charge.

**Waiver of Jury:** The right to a jury trial is waived and the judge makes the decision of guilt or innocence.

**Wanton Reckless, malicious:** Without regard for the rights of others, indifferent to consequences to health, life or the reputation of another. Usually done without intent, but an act so unreasonable the perpetrator should know that harm would result.

**Warrant:** A written order from a competent authority directing the doing a certain act, especially one directing the arrest of a person or persons, issued by a court, body or official.

**Warrant Invalidated:** A warrant issued on the individual has been ruled invalid.



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**Weapons Offenses:** The unlawful sale, distribution, manufacture, alteration, transport, possession or use of a deadly or dangerous weapon.

**Wet Reckless:** A plea in a drunk driving prosecution allowed to lessen the penalty when the blood alcohol level is close to the legal limit.

**With Specifications (W/S):** When W/S is listed after a charge, it is usually followed with a description of violence involved with the charge.

**Withheld:** Adjudication withheld.

**Work Release Program:** Program that allows a prisoner to work at paid employment or participate in a training program in the community on a voluntary basis while continuing as a prisoner of the institution or facility which he/she is committed.

**Writ of Execution (in a civil matter):** A routine court order by which the court attempts to enforce the judgment granted a plaintiff, by authorizing a sheriff to levy on the property belonging to the judgment debtor.

**Wrongful Entrustment:** Allowing an unlicensed driver to operate a motor vehicle.

**Youthful Offender:** Classification of youths and young adults, generally older than juveniles. In the 18 to 25 year age group, these individuals are sometimes given special sentencing consideration for the purpose of rehabilitation, sometimes through education and counseling.

**Youthful Training Act:** Usually a non-conviction. Used for juvenile first-time offenders. It may be reported on a criminal record. If the juvenile complies with the sentence, the case will be dropped from the record when the offender reaches adulthood.



## COURT & LEGAL TERMINOLOGY

### **Common Court Codes**

<b>AA by pub serv</b>	Aggravated Assault By Public Servant
<b>AA/dw</b>	Aggravated Assault With A Deadly Weapon
<b>AA/po</b>	Aggravated Assault Against Peace Officer
<b>AA/pub serv</b>	Aggravated Assault Against Public Servant
<b>AA/sbi</b>	Aggravated Assault Causes Severe Bodily Injury
<b>AA/witness</b>	Aggravated Assault Against Witness
<b>Act phys asst w/o lic</b>	Act As Physician Asst Without License
<b>Agg aslt dw</b>	Aggravated Assault With A Deadly Weapon
<b>Agg aslt sbi</b>	Aggravated Assault Causes Severe Bodily Injury
<b>Agg kidnap</b>	Aggravated Kidnapping
<b>Agg prom prost</b>	Aggravated Promotion Of Prostitution
<b>Agg rob dw</b>	Aggravated Robbery With A Deadly Weapon
<b>Agg sex a-v ch drugs</b>	Aggravated Sexual Assault Child
<b>Agg sex a-v ch dw</b>	Aggravated Sexual Assault Child
<b>Agg sex a-v ch fear</b>	Aggravated Sexual Assault Child
<b>Agg sex a-v ch fear</b>	Aggravated Sexual Assault Child
<b>Agg sex a-v ch sbi</b>	Aggravated Sexual Assault Child
<b>Agg sex a-v ch/14</b>	Aggravated Sexual Assault Child
<b>Agg sex a-v concert</b>	Aggravated Sexual Assault
<b>Agg sex a-v concert ch</b>	Aggravated Sexual Assault
<b>Agg sex a-v drugs</b>	Aggravated Sexual Assault
<b>Agg sex a-v dw</b>	Aggravated Sexual Assault With Deadly Weapon
<b>Agg theft 100k r&amp;c</b>	Theft >=\$100K<\$200K
<b>Agg theft 200k r&amp;c</b>	Theft >=\$200K
<b>Agg theft 50</b>	Theft >=\$50<\$500
<b>Agg theft 50 pub serv</b>	Theft >=\$50<\$500 Public Servant
<b>Agg theft r&amp; c 20k</b>	Theft >=\$20K<\$100K
<b>Att burg building</b>	Attempted Burglary Of Building
<b>Att burg com</b>	Attempted Burglary Of Coin Operated Machine
<b>Att burg hab</b>	Attempted Burglary Of Habitation
<b>Att burg veh</b>	Attempted Burglary Of Vehicle
<b>Att mfg cs 400g</b>	Attempted Poss With Intent Man/Del Controlled Substance



## COURT & LEGAL TERMINOLOGY

<b>Att tres hab</b>	Attempted Criminal Trespass Of A Habitation
<b>burg building</b>	Burglary Of Building
<b>burg com</b>	Burglary Of Coin Operated Machine
<b>burg hab</b>	Burglary Of Habitation
<b>burg veh</b>	Burglary Of Vehicle
<b>bwi</b>	Boating While Intoxicated
<b>c/f us gov doc</b>	Counterfeiting/Forging Of Government Doc
<b>cc abuse</b>	Credit Card Abuse
<b>cf/tm</b>	Counterfeiting Trademark
<b>cf/tm 100k</b>	Counterfeiting Trademark
<b>dc abuse</b>	Debit Card Abuse
<b>del cs</b>	Delivery Of Controlled Substance
<b>del mj</b>	Delivery Of Marijuana0
<b>dispense cs</b>	Unlawful Dispense Dangerous Drug
<b>dui</b>	Driving While Under The Influence
<b>dwi</b>	Driving While Intoxicated
<b>dwls</b>	Driving While License Suspended
<b>flid</b>	Failure To Id
<b>fsra</b>	Failure To Stop And Render Aid
<b>fwi</b>	Flying While Intoxicated
<b>ibc</b>	Issuance Of Bad Check
<b>ind exp</b>	Indecent Exposure
<b>inj invalid</b>	Injury To Disabled Body
<b>int oral comm</b>	Interception Wire/Oral/Electronic Communication
<b>interfer po</b>	Interference W/Duties Of Public Servant
<b>keep gamb place</b>	Keeping A Gambling Place
<b>mansi</b>	Manslaughter
<b>mfr dang drug</b>	Manufacturing Dangerous Drug
<b>neg hom</b>	Negligent Homicide
<b>sedd</b>	Securing Execution Of Document By Deception
<b>theft serv 100k</b>	Theft >=\$100K<\$200K
<b>theft serv 20</b>	Theft >=\$20<\$50
<b>theft serv 20k</b>	Theft >=\$20K<\$100K
<b>theft serv200k</b>	Theft >=\$200K



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## COURT & LEGAL TERMINOLOGY

**ucw**

Unlawful Carrying Of Weapon

**upf**

Unlawful Possession Firearm By Felon

**uuev**

Unlawful Use Of Emergency Vehicle

**uumv**

Unauthorized Use Of Motor Vehicle

**vssa**

Violation Of State Securities Act