

SECTION SIX

Glossary

AAG: An acronym for “Assistant Attorney General.” The D.C. Attorney General represents the District in civil cases and is the prosecutor in juvenile, traffic and minor misdemeanor cases in D.C. Superior Court.

ACCUSED: A person charged with committing a crime.

ACQUITTAL: A finding of not guilty, that is, the government did not prove guilt beyond a reasonable doubt.

ACTION: The proceeding or dispute that is before the court for resolution; it is formally known as a “cause of action.”

AFFIDAVIT: A sworn written statement by a party or other person involved in a case.

ALFORD PLEA: A type of plea that allows a defendant to plead guilty without admitting the commission of the acts underlying the offense and incurring civil liability. The name is derived from the case *North Carolina v. Alford*.

ALTERNATIVE DISPUTE RESOLUTION (ADR): An alternative to courtroom litigation that attempts to achieve a compromise resolution to a case, rather than the “win or lose” decision that is often the result of litigation. Mediation and arbitration are forms of ADR. For D.C. Courts, see Multi-Door Dispute Resolution Division.

ANSWER: A formal court document in which the defendant responds to and disputes the plaintiff’s allegations.

APPEAL: A request by the losing party to take the case to a higher court. The appeals court does not actually retry the case, but focuses on possible legal errors made by the trial court.

ARBITRATION: The process whereby parties to a dispute decide that a third-party, not the court, will determine the outcome, thereby avoiding litigation.

ARRAIGNMENT: A criminal proceeding in which the accused is brought before the judge, told the charges against him or her and asked to plead guilty or not guilty. **NOTE:** defendants in felony cases are not “arraigned” until the grand jury indicts them; a felony defendant’s first court appearance is technically a “presentment.”

ARREST: The taking into custody of a person suspected of committing a crime.

AUSA: An acronym for “Assistant U.S. Attorney.” In D.C., the U.S. Attorney’s Office for D.C. prosecutes cases in U.S. District Court, all felonies and most misdemeanors in D.C. Superior Court, as well handling appellate arguments in those criminal cases before the D.C. Court of Appeals and U.S. Court of Appeals for the D.C. Circuit.

BEYOND A REASONABLE DOUBT: The standard in a criminal case necessary for the jury to declare the defendant guilty. It requires that the evidence be so conclusive that it removes all reasonable doubts from the minds of the jurors.

BOOKING: The process by which law enforcement photographs, fingerprints and gets information from a suspect following arrest.

BRADY MATERIAL: Exculpatory evidence the prosecution is required to provide the defense, as specified in the Supreme Court case of *U.S. v. Brady*.

BURDEN OF PROOF: In criminal cases, the burden is on government to prove a case beyond a reasonable doubt, the most difficult threshold of proof. In civil cases, the burden is on the plaintiff to prove the case by the preponderance of the evidence.

C-10: The number of the arraignment and presentment courtroom in Superior Court. It is located on the C Street level of the Moultrie Courthouse, two floors below the main lobby. Open Monday through Saturday, including holidays.

CAPITAL CRIME: A crime punishable by death. District of Columbia law does not provide for the death penalty.

CCAN: An acronym for “Counsel for Child Abuse and Neglect.” A list of attorneys approved to represent families and children in abuse and neglect cases in Superior Court.

CHALLENGE FOR CAUSE: An objection to a particular person being seated on a jury, based on a stated reason.

CHARGE: An accusation made against a person that he or she committed a crime.

CITATION RELEASE: The process of releasing the accused from police custody in cases involving minor criminal violations, with a court date scheduled at which he or she must appear. This determination is made solely by the police.

CIVIL PROTECTION ORDER (CPO): A court order directing the respondent to stay away from a person or sometimes from a neighborhood, usually for a one-year period.

CJA: An acronym for “Criminal Justice Act,” it is used as a shorthand term referring to attorneys who have been approved to be appointed under the Criminal Justice Act to represent indigent defendants in D.C. Courts and the federal courts in D.C.

CLEAR AND CONVINCING EVIDENCE: Evidence indicating that the thing to be proved is highly probable or reasonably certain. This is a greater burden than “preponderance of the evidence,” which is the standard applied in most civil trials, but less than evidence beyond a “reasonable doubt,” the standard in criminal trials.

CLERK OF COURT: The highest ranking non-judicial employee in each court, responsible for the functioning of all offices and divisions within the court, as well as all courtrooms.

COMMUNITY COURTS: Courtrooms in which the judge seeks not only to determine guilt or innocence, but to address the underlying cause of the crime and to seek redress of the harm caused by the offense, for low-level, misdemeanor crimes. Community courts frequently require defendants or offenders to “pay back” the community by performing court-supervised community service. They also seek to reduce the likelihood of future offense by linking offenders with social services they may need, such as drug treatment, job training, and mental health counseling. For more information on Superior Court’s various community court initiatives, see www.dccourts.gov/dccourts/superior/community_courts.jsp.

COMPLAINT: In civil cases, it is the formal document that one party files with the court to begin a lawsuit. It states the facts of the case and the action which the filing party wishes the court to take. In criminal cases the complaint is a written statement of the charges against a person and the facts that constitute the charges.

CONTEMPT: Disobeying a court order. A judge can hold a hearing to determine whether a person has shown “contempt of court.” There are sanctions for both civil and criminal contempt. These offenses are punishable by jail or fines.

CONVICTION: A decision made by a judge or a jury in a criminal case that the defendant is guilty beyond a reasonable doubt of the crime.

COURT SERVICES AND OFFENDER SUPERVISION AGENCY (CSOSA): The federal agency that handles pretrial monitoring and post-conviction probation of D.C. criminal defendants. See, www.csosa.gov. The Pretrial Services Agency, an independent agency that is part of CSOSA, handles all pretrial monitoring and services.

COURTVIEW: The database that contains all Superior Court cases.

CRIME VICTIMS COMPENSATION PROGRAM: A Superior Court program funded by fees, fines and grants that covers out-of-pocket costs of crime victims. For more information, see www.dccourts.gov/dccourts/superior/cvcp.jsp.

CROSS-CLAIM: A claim by one party against a co-party, not against persons on the opposite side, arising out of the original complaint.

COUNTER-CLAIM: A claim which a defendant makes against the plaintiff.

DAMAGES: Money awarded by the court to the party who suffered injuries or a loss due to the unlawful acts or negligence of another.

D.C. MISDEMEANOR: These are minor misdemeanor infractions, such as Possession of an Open Container of Alcohol, Drinking in Public, Disorderly Conduct, etc, which are prosecuted by the D.C. Office of Attorney General in the Superior Court. These cases are all heard by the D.C. Misdemeanor and Traffic Community Court in courtroom 115 of the Moultrie Courthouse.

DEFAULT JUDGMENT: This occurs when a defendant does not plead in a civil suit within the time allowed, or fails to appear at the trial, and as a result, automatically loses the case. Default judgments may also occur in domestic violence cases (civil protection orders) and landlord-tenant court.

DEFENDANT: In a criminal case, a person who has been charged with committing a crime. In a civil case, a defendant is the party against whom a civil complaint has been filed.

DELINQUENT: A juvenile who has committed an act which would be a crime if committed by an adult.

DE NOVO: Anew, or a second time. A “trial de novo” is a new or second trial.

DEPOSITION: The testimony of a witness not taken in court, but taken under oath in preparation for a trial.

DISCOVERY: The pre-trial process in civil cases through which each party is informed of the evidence that the other party will be using in the trial or that may otherwise be relevant to the case.

DISMISSAL: The decision by the judge to end a case, often at the request of the parties.

DISPOSITION: The sentencing or other final settlement of a criminal or juvenile case.

DIVERSITY JURISDICTION: A method of having a case heard in a “neutral” federal court rather than in a state court, if the two parties are from different states and the amount in controversy exceeds \$75,000.

DOMESTIC VIOLENCE INTAKE CENTER: One of two centers sponsored by the D.C. Superior Court’s Domestic Violence Unit at which a victim of domestic violence can not only file a complaint, but also speak to the police, an advocate, the prosecutor, a representative of the Crime Victims Compensation Program and representatives from the DC Attorney General’s office regarding child support, contempt filings and other matters.

DWP: Acronym for “Dismissed for Want of Prosecution.” This usually means that the government was not ready to proceed in a criminal case, often because a key witness did not appear for trial. Often pronounced as “dwipped.”

EN BANC: A Latin term meaning a hearing in which all of the judges of an appellate court participate, rather than a three-judge panel.

EQUITY: Civil disputes that do not involve monetary awards, but involve a request for an act or the cessation of a particular action, such as an injunction. Equity also is defined as justice administered according to fairness, as contrasted with the strictly formulated rules of common law.

EVIDENCE: Testimony and objects presented in court by the parties to support their case.

EX PARTE: A Latin term meaning a hearing before the court when only one side is present; in many circumstances it is not allowed.

FAMILY TREATMENT COURT: A 15-month D.C. Superior Court therapeutic drug court program for mothers of children under court supervision due to neglect and abuse. Participants receive intensive residential substance abuse treatment at a facility where they can live along with their young children during the six-month in-patient treatment process.

FELONY STATUS CONFERENCE: A pre-trial status hearing in a felony case to determine how the case is proceeding while the defendant is being detained awaiting grand jury action.

FELONY: A serious crime punishable by one year or more in a prison and/or a fine. Felonies include crimes such as murder, rape, burglary, and robbery.

FELONY 1: The most serious of felony crimes, including murder, first degree sexual assault, conspiracy cases, and other complex criminal litigation.

GENERAL JURISDICTION: A court that hears controversies of all types, seeking different legal rights and remedies. See Unified Court System.

GERSTEIN: The narrative describing the circumstances of an arrest by a law enforcement officer that accompanies a criminal complaint.

GUILTY: A finding by a jury or a judge that the accused committed the crime.

HEARING: A court proceeding with one or more issues to be agreed upon or determined.

IN CAMERA: Information presented for review by the court outside the hearing of the public and, on occasion, outside the hearing of the other party.

INDICTMENT: A written accusation made by a grand jury charging a person with committing a crime.

INFORMATION (MISDEMEANOR COMPLAINT, FELONY COMPLAINT): A document filed by the prosecutor explaining the unlawful actions of the accused and formally charging him or her with committing a crime.

INTAKE CENTER: See Domestic Violence Intake Center.

INTERROGATORIES: Written questions given by one party in a civil lawsuit to the other party in the suit which must be answered under oath.

JUDGMENT: Final decision of a civil lawsuit made by the judge or jury.

JURY: A petit jury is a group of citizens who have been selected to hear the evidence in a trial presented in court and render a verdict according to the law and the facts presented. A grand jury is a group of citizens selected to investigate certain actions or consider indicting persons accused of committing a felony crime.

JUVENILE: Generally, any person under the age of 18 years. In court, a youth charged with violating the law.

LINE-UP: A police process where a suspect is lined up with other persons to be identified by a witness.

LITIGATION: A case or lawsuit; the process of settling a dispute between two or more parties in a trial or adversarial setting.

LOCK-UP LIST: The daily list of all defendants who were arrested, held in police custody overnight, and who will be arraigned or presented in Superior Court's courtroom C-10. Currently, the lock-up list is posted on the C-Level of the Moultrie Courthouse on the wall to the right after exiting the escalator.

MAGISTRATE JUDGES: Judicial officials with authority for some, but not all, types of proceedings, such as jury trials.

MEDIATION: A process used when the parties to a dispute present their case to a neutral third-party (the mediator) to see if they can resolve their conflict in a mutually agreeable fashion. In some cases, mediation is required, but if not successful the case goes to trial.

MIRANDA WARNING: A statement required of police to inform a suspect taken into custody of his or her right to an attorney and that he or she has the right to refuse to answer any questions asked by the police.

MISDEMEANOR: A crime that is punishable by one year or less in jail and/or a fine; e.g., petty theft, minor assaults and drug offenses, and most traffic violations.

MISTRIAL: A trial that is terminated before a verdict is reached either because the jury cannot decide the guilt of the accused or because of some error found in the trial.

MOTION: A written or oral request to the judge to make a decision or take a specific action.

MOTION TO DISMISS: A motion for the judge to dismiss the case before the trial based on the insufficiency of the pleading, of process, or some other matter of law.

MULTI-DOOR DISPUTE RESOLUTION DIVISION: The Superior Court's division that offers mediation/ alternative dispute resolution. For more information, see www.dccourts.gov/dccourts/superior/multi/index.jsp.

NO PAPER: A prosecutorial decision against filing charges after an arrest. Thus, no case is filed with the court.

NOLLE: Abbreviation of *nolle prosequi*, a Latin term meaning that the government declines further prosecution of a criminal case, after initial papering and before trial.

NOLO CONTENDERE: Latin for "I will not contest it," a plea to a crime that does not admit guilt but has the same result as a guilty plea.

NOT GUILTY PLEA: A statement given by the accused denying that he or she committed the crime.

OBJECTION: An action taken by one of the attorneys during the trial in which that attorney disagrees with some statement or procedure during the trial, requesting the judge reverse it or disallow it.

OFFENDER: A person who has been convicted of a crime.

OFFICE OF THE ATTORNEY GENERAL (OAG): Acronym for the DC Office of Attorney General, see *oag.dc.gov*.

ON NOTICE MOTION: A motion where advance notice is required to be given to the other party.

OVERRULE: A judge's decision on an objection in which he or she does not allow the objection.

PAPERING: The process, including a review of arrest paperwork and evidence gathered by a police officer, by which the prosecutor fills out the forms necessary to commence a criminal case with the court; the initiation of a criminal case. See also "no paper."

PARTY: A person, organization, or government entity involved in a legal proceeding.

PEREMPTORY CHALLENGE: An objection to the selection of a juror for which a specific reason does not need to be given.

PERSON IN NEED OF SERVICES (PINS): A juvenile who has committed illegal acts which, if committed by adults, would not be considered criminal offenses; i.e., truancy.

PLAINTIFF: The person who starts and files a civil action.

PLEA: A formal statement made by an accused person either denying or admitting that he or she committed the crime of which he or she is accused.

PLEADING: A written statement of fact and law filed by both parties in civil suits which outlines their position and how they think the judge should rule.

POST and FORFEIT: A procedure provided for in the D.C. Code by which the police are allowed to have the defendant just pay a fine and the case ends there, without any case being filed with the court.

POST-TRIAL MOTION: A motion permitted after a trial such as a motion for a new trial and a motion for relief from judgment.

PRELIMINARY HEARING: A pre-trial hearing to determine if there is enough evidence to present to a grand jury.

PREPONDERANCE OF THE EVIDENCE: The greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; the burden of proof in most civil trials.

PRESENTMENT: The first appearance by a felony defendant before a judge, where the initial decision is made on whether there is probable cause and whether the defendant should be detained pre-trial. A felony defendant does not have to plead unless and until he or she has been indicted by a grand jury, at which point the defendant then has an arraignment before the judge who will preside over his or her case.

PRE-TRIAL CONFERENCE: An informal conference between the attorneys for both sides to clarify the issues or to attempt to work out a settlement with the judge as a moderator.

PRETRIAL SERVICES AGENCY: The agency which does initial background checks and recommendations at arraignment/presentation and then supervises defendants who have been released pending trial. See www.dcpsa.gov.

PREVENTATIVE DETENTION HEARING: This hearing occurs 3-5 days after the defendant's initial appearance in the Superior Court *if* he or she is detained. This is a longer evidentiary hearing with witness testimony on whether the defendant should be detained until trial, and is a more involved probable cause determination.

PRO SE: A Latin phrase meaning "for himself" or "in one's own behalf." A person who represents himself or herself in court is said to be appearing *pro se* or to be a *pro se* party.

PROBABLE CAUSE: A preliminary determination that the crime was committed and that the defendant is likely to have committed it.

PROBATE: Legal process through which a personal representative is appointed and the assets of someone who has died are collected and distributed and the deceased person's debts are paid.

PROBATION: A sentence allowing the accused to remain outside of jail or prison under the supervision of a probation officer. In D.C., adult probation is monitored by the Court Services and Offender Supervision Agency. Juvenile probation is monitored by the Family Court Social Services Division.

PROSECUTOR: The lawyer representing the government in a criminal case.

PUBLIC DEFENDER: An attorney employed by the government to represent defendants who cannot afford to pay for a lawyer. The D.C. Public Defender Service represents indigent adults and juveniles in the D.C. Courts; the Federal Public Defender represents indigent adults in the Federal Courts.

PUBLIC DEFENDER SERVICE (PDS): The D.C. Public Defender Service, often referred to as "PDS" is a federally funded agency that provides criminal defense for indigent adults and juveniles in cases in the Superior Court, the D.C. Court of Appeals. See <http://www.pdsdc.org/>.

REASONABLE DOUBT: The amount of doubt present in the minds of the jurors which entitles the defendant to acquittal.

REBUTTAL: The evidence given to explain, counteract, or disprove facts given by the opposite party.

RESTITUTION: An order from the judge in a criminal case that requires that the offender pay the victim for damages the victim suffered as a result of the crime.

SELF-HELP CENTERS / RESOURCE CENTERS: Several centers in various branches of the Superior Court to assist those who are not represented by an attorney. See www.dccourts.gov/dccourts/about/prose.jsp.

SELF-INCRIMINATION: A defendant's giving of testimony against himself that might subject him to criminal liability.

SENTENCE: The punishment for a person convicted of a crime.

SHOW CAUSE HEARING: A hearing at which the person summoned is asked to present testimony as to why the judge should not take some adverse action against them (find them in contempt, revoke probation, etc.).

STATEMENT OF CLAIM: A statement of claim is the legal document that starts a small claims court case in the Superior Court and sets forth an individual's claim to obtain money, property, or the enforcement of a right against another party.

STEP-BACK: To take a defendant into custody. For example, if there is a probation revocation hearing and the judge determines that the defendant needs to be held in jail rather than remain in the community because he or she has violated probation, the judge will “step back” the defendant, meaning ask the Deputy US Marshal to take him or her into custody (such defendants are taken to the cell block behind the courtroom, hence they are “stepped back.”)

SUA SPONTE: An action taken by a judge on the court's own initiative and not at the request of the parties.

SUMMARY JURY TRIAL: An abbreviated trial involving a panel of six jurors who render an advisory, nonbinding decision.

SUMMONS: A notice sent to a person to appear in court to answer charges.

SUSTAIN: The decision on an objection by a judge to support it and prevent the other party from continuing that line of questioning or introducing the evidence that was objected to.

TPO: Acronym for “Temporary Protection Order.” A TPO is a 14-day order for one party to stay away from another. This order can be issued by a judge upon one person's testimony if he or she finds grounds in the petitioner's testimony. [Note: it is not effective until served on the defendant.] For the year-long CPO (see above), the respondent has a right to respond and make a case as to why the order should not be issued.

TESTIMONY: Statements made in court by parties and witnesses who are under oath to tell the truth.

THIRD-PARTY CLAIM: A complaint filed by the defendant against a person not originally a party in the lawsuit.

TRIAL: A hearing before a judge and sometimes a jury where evidence is presented to decide in criminal cases whether or not the accused committed the crime, and in civil cases whether evidence and the law are in favor of the plaintiff or defendant.

U.S. MARSHALS: The U.S. Marshal Service provides judicial and courtroom security in the federal courts, the Superior Court, and the D.C. Court of Appeals, and brings detained defendants to courtrooms for proceedings.

UNIFIED COURT SYSTEM: A court system in which all types of cases are heard by one trial court, rather than a system in which there are separate probate, juvenile, civil, criminal and other types of courts. The D.C. Superior court is a unified court.

VERDICT: The decision of the judge or jury at the end of a criminal trial that the accused is either not guilty or guilty of the charges. Note that there is not a finding of “innocence,” the options are “guilty” or “not guilty.” In a civil trial, the decision of the judge or jury that the defendant is either liable or not liable.

VICTIM: An individual against whom an offense of civil or criminal law, or an attempted offense, was committed.

VOIR DIRE (*vwar deer*): The process of selecting a jury, by asking questions to elicit whether the person could be a fair, impartial juror.

VFCA PAYMENT: A court-ordered payment under the Victims of Violent Crime Act that goes to the Crime Victims Compensation Program (see above). This fee is usually imposed on criminal defendants as part of their sentence. The program uses the revenue from such payments to recompense victims for the costs they incur as a result of a crime.

WAIVER: The intentional giving up of a right.

WITNESS: A person who is called to testify, in either an oral or written statement, to what he or she has seen, heard, or knows about concerning the facts in a criminal or civil case.

WRIT OF CERTIORARI: The discretionary device used by the U.S. Supreme Court to choose which cases it wishes to hear.