

Common Public Record Terms

- ✓ **Acquittal**
The legal and formal certification of the innocence of a person who has been charged with a crime; a finding of not guilty.
- ✓ **Adjudication**
This is equivalent to a judicial decision or sentence. This implies a hearing by a court of legal evidence on the factual issues involved in the case.
- ✓ **Adjudication Withheld**
Many jurisdictions have a procedure in criminal cases allowing an accused person to essentially admit to the charges and be placed on probation without a formal finding of guilt. If the individual completes the probationary period without being charged with any subsequent criminal offenses, the original charges are dismissed. This procedure is not a conviction of the crime charged.
- ✓ **ARD (Accelerated Rehabilitation Disposition)**
This program is offered to a defendant in place of adjudication. If the defendant completes the program, the case is closed. This is not a conviction.
- ✓ **Arraignment**
Procedure whereby the accused is brought before the court to plead to the criminal charges against him or her in the indictment of information.
- ✓ **Arrest Warrant**
Written permission given by a judge (or magistrate, etc.) to a police officer to arrest a person.
- ✓ **Assault**
An attempt to commit violent injury upon another person. Physical contact is not necessary. Assault is an act done toward the commission of a battery, and immediately precedes battery.
- ✓ **Battery**
An actual infliction of a blow without the consent of the person who receives it. While an "Assault" is an attempt to hurt another person by violence, "Battery" occurs when the violence is accomplished.
- ✓ **Bench Warrant**
A paper issued directly by a judge to the police or other peace officers ordering an arrest. This is usually issued in cases of contempt or where an indictment has been found. It may also occur when a witness does not obey a subpoena.
- ✓ **Capias**
This term is Latin for "that you take." It is a writ from a judge to the sheriff or to the police, commanding them to take a defendant into custody.
- ✓ **Concurrent**
Sentence taking place or existing at the same time as another.
- ✓ **Conditional Discharge**
The defendant has no finding of guilt. The court is discharging him or her from trial on special conditions that they must abide by. If they do not abide by these conditions, the discharge may be revoked and the finding may become guilty.
- ✓ **Consent Decree**
This is a conviction disposition commonly found in NM. It is designed as a disposition for juvenile cases in which the defendant pleads guilty and is placed on the decree/probation for six months.
- ✓ **Conviction**
The result of a criminal trial which ends in a judgment or sentence that the accused is guilty as charged.
- ✓ **Criminal Plea**
The defendant's response to a criminal charge (guilty, not guilty or nolo contendere).
- ✓ **Dead Docket**
This is a common disposition in GA and means that there is not enough evidence that shows the defendant is guilty or that he is innocent. The case is set aside. If not brought back up, the case is closed. This is not a conviction.
- ✓ **Deferred Judgment**
The defendant has no finding of guilt. The judgment is set aside for a specified amount of time and the defendant must comply with any conditions given to him or her. The case can be dismissed if the defendant completes all requirements.
- ✓ **Dismissal**
An order of judgment finally disposing of an action, suit, motion, etc., without trial of the issues involved.
- ✓ **Dismissal Without Prejudice**
Dismissal without prejudice to the right of the complainant to sue again on the same cause of action.
- ✓ **Dismissal With Prejudice**
Term meaning adjudication on the merits, and final disposition, barring the right to bring or maintain an action on the same claim or cause.
- ✓ **Diversion Program**
To set aside. A court direction, which calls for 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 conditions of the program are met, the charge may be considered a non-conviction.
- ✓ **Expunge**
Blot out, obliterate, completely remove, or strike out from the record.
- ✓ **Felony**
A grave crime declared to be a felony by the common law or by statute regardless of the punishment actually imposed. These types of charges are of a more serious nature than those designated as misdemeanors.
- ✓ **First Offenders Program**
In the state of Georgia, 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.

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- ✓ **Grand Jury**
A body of citizens, the number of whom varies from state to state, whose duties consist in determining whether probable cause exists that a crime has been committed and whether an indictment should be returned against one for such a crime.
- ✓ **Indictment**
Formal accusation issued by a grand jury. This does not constitute a conviction or proof of guilt with respect to any charge.
- ✓ **Infractions**
Lesser offenses - generally city violations, code enforcement, etc.
- ✓ **Larceny**
An unlawful taking and carrying away of personal property without the consent of and against the will of the owner, and with felonious intent to deprive the person of the property permanently.
- ✓ **Misdemeanor**
A crime less serious than a felony. These offenses are typically punishable by fine or imprisonment, other than a penitentiary. Under federal and most state laws, any offense that is not a felony is classified as a misdemeanor.
- ✓ **No Action**
The court dropped the case and did not continue with the charges. This is not a conviction.
- ✓ **No Bill or 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 Papered**
The paperwork was never sent to the court by the District Attorney and the case was never filed. This is not a conviction.
- ✓ **Nolle Prose / Nolle Prosequi**
The ending of a case because the prosecutor decides or agrees to stop prosecuting. Commonly called "nol pros & essentially is a dismissal of the case.
- ✓ **Nolo Contendere / No Contest**
Latin for, "I will not contest it." This is a defendant's plea of "no contest" in a criminal case. It means that he or she does not directly admit guilt, but submits to sentencing or other punishment.
- ✓ **Non-Adjudication of Guilt**
Same as Adjudication Withheld. This is not a conviction.
- ✓ **Prayer for Judgment**
Deferred prosecution often seen in NC, meaning the state did not prosecute. This is not a conviction. For example, with worthless checks it gives the defendant a chance to pay the check before being charged.
- ✓ **Pre-Trial Intervention**
This is a program offered to the defendant before going to trial. If the defendant complies prior to the trial date, the trial is not held and the defendant is not convicted.
- ✓ **Quashed**
Dismissed.
- ✓ **Remand**
Send back. For example, a higher court may remand or send back a case to a lower court, directing the lower court to take some action.
- ✓ **Stet Docket**
Will not prosecute at this time. Eligible to be re-opened for one year if a violation is committed during that time. After one year, if no violations have been committed, it cannot be re-opened and the case is closed.
- ✓ **Stricken Off Leave**
Often seen in Illinois, the case has been stricken off the docket with the ability to reinstate at a later date if deemed that the case can be prosecuted. This is often because the prosecutors run out of time to prosecute.
- ✓ **Stricken Off/Strike Off**
A court is said to "strike off" a case when it directs the removal of the case from the docket, as being one over which it does not have jurisdiction and no power to hear and determine it.
- ✓ **Summary**
Any minor crime initially heard and decided by a district justice.
- ✓ **Summons**
A written order notifying an individual that he or she has been charged with an offense and directing the person to appear in court to answer the charge.
- ✓ **Suspended Sentence**
This is a procedure, after conviction of a crime, whereby the court allows the convicted person a period of time (a probationary period) to demonstrate an ability to avoid further criminal activity. It is different from "adjudication withheld" in that it only affects the sentence following the entry of a conviction.
- ✓ **Violations**
Lesser offenses - generally city violations, code enforcement, etc.