



5th Amendment

5th Amendment–

A part of the U.S. Constitution that protects you from **(a)** being forced to talk to the police when you are arrested, or **(b)** being forced to testify against yourself in court.

The “right to remain silent” and “pleading the fifth” come from this amendment.



Adjudication

Adjudication–

Adjudication is the decision made by the judge at the end of a trial.

The judge may say that the defendant is guilty, not guilty or that the charges are dismissed.



Court

Court-

Court is where trials and court hearings take place.

During a court hearing and trial, everything that happens and that is said is written by a court reporter. That written record is open for anyone to read.



Allege / Allegation-

To **allege** is to say someone did something.

An **allegation** is something that someone says happened.

A statement of the issues in a written document (*a pleading*) which a person is prepared to prove in court.

Allege / Allegation



Appeal



Appeal-

You can make an appeal after your trial is over.

When you make an appeal, you ask a higher Court to decide whether the trial that just ended was done the right way.

To have your case heard over again in a higher Court by a different judge.

Reasons to appeal:

- The judge said you were guilty and you want another chance.
- You think the punishment the judge gave you was not fair.





Bailiff

Bailiff–

A **bailiff** is an officer of the court who maintains order in the courtroom and protects the judge.



Arraignment

Arraignment-

The first time you go in front of a judge for a hearing in a criminal case.

At your arraignment:

- You will hear the charges against you, the defendant.
- An attorney will be given to you if you cannot pay for one.
- You will enter your plea.
- You can plead not guilty, guilty, Not Guilty by Reason of Insanity (NGRI), or Alford plea.

Do Not Use



Attorney-Client Privilege-

Defense attorneys must protect and keep secret any information their client tells them, unless the client gives the attorney permission to tell someone else.

This privilege is important because an attorney can do a better job of helping a defendant in court if the defendant has told the attorney everything that happened.

Attorney-Client Privilege



Bench Trial

Bench Trial–

In a **bench trial**, the judge decides the verdict: whether the defendant is guilty or not guilty.

There is no jury.



Beyond a Reasonable Doubt

Beyond a Reasonable Doubt-

Beyond a reasonable doubt is the amount of proof needed for the judge or the jury to find a defendant guilty in a criminal trial.

It is the proof that makes us sure that the charge is true.



Burden of Proof

Burden of Proof–

The prosecutor, who represents the state of Washington, has the job or responsibility (burden) to prove that the defendant in a criminal case is guilty of the offense "beyond a reasonable doubt."



Charge

Charge–

A **charge** is what the prosecutor is saying the defendant did that is against the law.



Community Service

Community Service-

Community service is a job that the court can force a defendant to do.

The court can order the defendant to do this work without pay.

The court may require a defendant who has been found guilty to do community service as part of a sentence, or as an easier punishment in a plea agreement.



Convict / Conviction

Convict / Conviction–

Convict is to find the defendant guilty of an offense at the end of a court trial.

A **conviction** is a decision by a judge or jury that the defendant is guilty at the end of a trial.



Court-Appointed Attorney

Court-Appointed Attorney–

A **court-appointed attorney** is a lawyer who was chosen by the judge to help and represent a defendant, when the defendant cannot pay the attorney.

A court-appointed attorney helps a defendant by defending him or her in court.



Court Clerk

Court Clerk–

A **court clerk** handles the business of a court, keeps papers for each case, and helps the judge run the court.



Court Reporter

Court Reporter–

A **court reporter** records or writes down all the words spoken during a trial or court hearing.

A court reporter keeps a record of everything that happens at a trial or court hearing.



Cross Examination–

After a witness is questioned by one attorney, the attorney for the other party asks the witness questions.



Cross Examination



Defendant

Defendant–

The **defendant** is the person who is accused of breaking the law.

The defendant is the person who is charged with an offense or a crime.



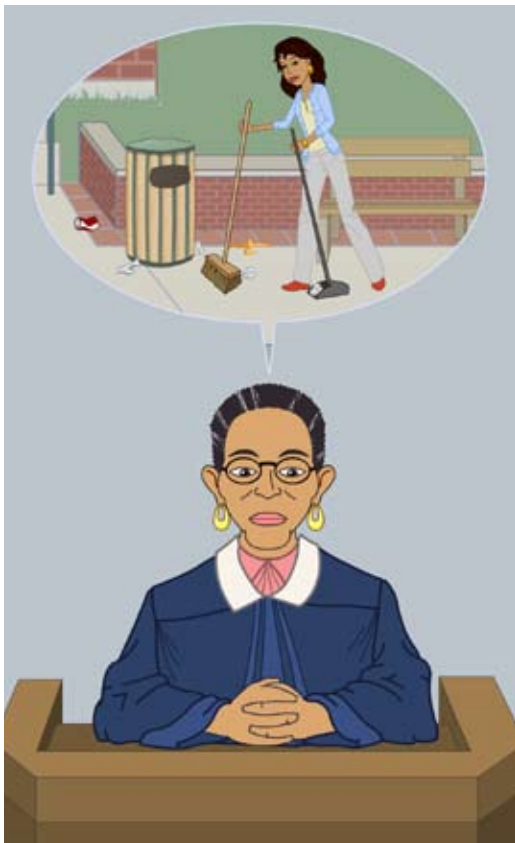
Defense Attorney

Defense Attorney / Lawyer for the Defense-

The attorney who:

- * Is on your side.
- * Helps tell the judge your side of the story.
- * Helps you get the easiest punishment or the best deal.
- * Protect your rights.

Do Not Use



Sentence

Sentence-

A **sentence** is the punishment or penalty that the Judge gives you, if you are found guilty.

It could be time in jail or prison, probation, court-ordered treatment, or a fine.

When deciding the sentence, a Judge looks at the seriousness of the charge and your criminal history.

If you have been convicted of more than one charge, the Judge can decide to have you serve the sentence for each charge *at the same time* (**concurrent**) or serve the sentence for each charge *one after the other* (**consecutive**).



Evidence

Evidence–

Evidence is information used to prove that a defendant is guilty or not guilty.

Evidence is information that helps the judge or jury decide whether a defendant is guilty or not guilty.



Felony

Felony-

A **felony** is a serious charge or offense.

There are 3 types of felonies:

- * Class C - The maximum penalty is 5 years in prison and/or \$10,000 in fines.

- * Class B - The maximum penalty is 10 years in prison and/or \$20,000 in fines.

- * Class A - The maximum penalty is life in prison and/or \$50,000 in fines.



Grand Jury

Grand Jury-

The **grand jury** is a group of people who listen to the evidence of the criminal charges brought by the prosecutor.

The grand jury decides whether there is probable cause, or good reason to believe that the defendant did something that was against the law.



Competency Evaluation

Competency Evaluation-

A judge can order an evaluator to evaluate a defendant to see if they know enough about the legal process and if can defend themselves in court.

The evaluation is not a “test;” it's a face-to-face interview with an evaluator. The defendant's attorney may be at the interview.

The evaluator will ask the defendant questions about their charges, information about the court, and their mental health symptoms.



Guilty

Guilty-

When a defendant says they are **guilty**, they admit they broke the law.

A **guilty verdict** is a decision made by the judge or a jury after the prosecution has proven in court that the defendant committed an offense.



Helping Your Attorney

Helping Your Attorney–

The best way to help your attorney is to:

- Tell the truth.
- Tell all of the story, even the parts you think might get you into trouble (including the details like who, what, when, where, and why).
- Tell about all possible witnesses and evidence.



Indict / Indictment

Indict / Indictment–

The formal charge from a grand jury stating that there is enough evidence that the defendant broke the law, or committed an offense, to have a trial.



Innocent Until Proven Guilty

Innocent Until Proven Guilty–

Innocent until proven guilty means that before the defendant goes to trial, the judge or jury thinks the defendant is not guilty.

The defendant will only be found guilty if the prosecution is able to prove to the court “beyond a reasonable doubt” that the defendant broke the law (*committed the offense*).



Judge

Judge-

The **judge** is the boss of the courtroom. They are the neutral party.

The judge decides if the defendant is guilty or not guilty in a bench trial. The judge's decision is based on the evidence and the testimony of witnesses.

The judge gives the punishment (sentence) to the defendant who have been found guilty.

The judge makes sure that trials are fair, and that defendant's rights are protected.



Jury / Jurors

Jury / Jurors–

In a trial, a **jury** is a group of people that listens to the evidence and the testimony of the witnesses. Then, the jury decides if the defendant is guilty or not guilty.

Juries usually have 12 people, called **jurors**. All 12 jurors must agree (unanimous) on the verdict of guilty or not guilty.

In a jury trial, the jury has the final decision on the verdict.



Not Guilty by Reason of Insanity

Not Guilty by Reason of Insanity (NGRI)-

This special plea says the defendant is not guilty because,

- 1) the defendant did not know the difference between right and wrong at the time of the crime
- 2) due to a mental illness.

The defendant may have to go to court to prove this as a defense strategy, or it is sometimes part of a plea bargain. If the defendant proves they were not guilty by reason of insanity, the defendant will most likely go to a mental hospital for treatment.



Lawyer

Lawyer-

A lawyer is also known as an attorney.

Lawyers are licensed to practice law in court. They know how the courts work. They also know what to do and what to say in court.

Defense attorneys, public defenders, and prosecutors are all lawyers.



Miranda Rights

Miranda Rights–

You have the right to know that if you are arrested:

- 1) You have a right to have your attorney in the room whenever anyone asks you questions;
- 2) You have the right to remain silent; and
- 3) Anything you say can and will be used against you in court.



Misdemeanor / Gross Misdemeanor

Misdemeanor / Gross Misdemeanor-

A **misdemeanor** is a less serious crime than a felony. The maximum penalty for misdemeanors is 90 days in jail and/or a \$1,000 fine.

A **gross misdemeanor** is a less serious crime than a felony, but more serious than a misdemeanor. The maximum penalty for serious misdemeanors is one year in jail and/or a \$5,000 fine.



Alford Plea

Alford Plea-

In an **Alford plea**, the defendant maintains their innocence, but admits that the prosecution has strong evidence to prove they are guilty beyond a reasonable doubt.

In entering an Alford plea, the defendant enters a plea of guilty while maintaining their innocence.

Like a guilty plea, there will be no trial and the defendant will receive a punishment or sentence. It will be seen as a conviction on your record and can count as a strike.

Do Not Use



Not Guilty

Not Guilty-

When a defendant pleads **not guilty**, they are saying they did not do the offense they are accused of doing.

A **not guilty** verdict in a criminal case is when the judge or jury determines that the prosecutor has not proven that the defendant is guilty of a charge.



Closing Arguments–

The final speeches made by the defense lawyer and the prosecutor to a jury or judge, to explain what the attorneys say the evidence has proved.

Closing Arguments



Oath

Oath–

An **oath** is a promise that a person makes to tell the truth in court.



**Objection
(Sustained / Overruled)**

Objection (Sustained / Overruled)–

When an attorney asks the judge to decide if a question to a witness in court is fair or legal.

If the objection is **sustained**, the witness does not have to answer.

If the judge **overrules the objection**, the witness must answer.



Opening Arguments–

Speeches made first by the prosecutor and then by the defense attorney at the beginning of a trial, before evidence is introduced, to tell the judge and/or jury what to expect.



Opening Arguments



Perjury

Perjury–

Perjury is when a witness lies in court after swearing to tell the truth (*promising to tell the truth*).

Perjury is a crime.

Perjury is a felony offense.

Plea-

A defendant's official answer in the courtroom to a criminal charge.

Examples of a plea may include "not guilty," "guilty," or "Alford plea."

A defendant can enter a different plea for each charge.



Plea



Plea Bargain / Plea Agreement

Plea Bargain / Plea Agreement–

A **plea bargain** (also known as a **plea agreement**) is a deal that is offered to the defendant by the prosecutor. The judge can either accept or reject the plea bargain.

If the defendant accepts a plea bargain, they agree to plead guilty, possibly in exchange for:

- A lesser punishment, and/or
- Reduced charges, and/or
- Some of the charges may be dropped.

If a defendant agrees to a plea bargain, they give up the right to a trial and an appeal.



Plea Colloquy

Plea Colloquy–

The judge asks the defendant questions to make sure that they are making a plea knowingly, intelligently and voluntarily.

If the defendant accepts a plea agreement, then they must answer the judge's questions in the courtroom so that the judge can know that they understand:

- the charges against them,
- that they are voluntarily pleading guilty to the charges against them,
- the rights they will lose when they plead guilty, and
- the punishment they will receive if the judge accepts the plea agreement.



Preliminary Hearing

Preliminary Hearing–

During a preliminary hearing:

- 1) The charges against the defendant are read;
- 2) The defendant states whether their plea is “not guilty,” “guilty,” or “Alford” to each charge;
- 3) The prosecutor tries to prove to the judge that there is “probable cause” that an offense has been committed and that the defendant committed the offense.



Probable Cause

Probable Cause–

A reasonable belief that a person has committed a crime.

Probable cause is the amount and quality of information that police must have before they can search or arrest a suspect or before the case can go to trial.



Expert Witness

Expert Witness-

An **expert witness** is a person who is accepted by the court as an expert about a particular subject.

For example, a forensic scientist who studies fingerprints or tire marks from a crime scenes can be an expert witness.

Your competency evaluator and psychiatrist are considered expert witnesses if they testify in court. They can talk about certain aspects about your case.



Prosecutor

Prosecutor–

A **prosecutor** is an attorney that represents the state.

Prosecutors investigate and tries criminal cases.

The prosecutor brings information, evidence and witnesses to court to prove to the judge or to the jury that a defendant is guilty.



Restitution

Restitution–

Restitution is returning things or money to the owner.

In a criminal case, the defendant may be required to return stolen property, or to repay the victim for things that were stolen or to make up for harm done.



Rights–

Rights are privileges that each person in the United States have because of laws and the Constitution.

Examples of rights include the freedom of speech, the freedom of religion, the right to a trial, the right to an attorney, the right to remain silent, and the right to appeal.



Rights



Self-Incrimination–

Self-incrimination is when you tell on yourself.

Testifying against yourself during a criminal trial.

Self-Incrimination



Testify / Testimony–

To answer questions in court.

When a witness tells the judge or the jury in court what he has seen or heard.

Testify / Testimony



Competent to Stand Trial / Competency Restoration

Competent to stand trial is the ability to understand what you are being accused of, what will happen to you in court, and the information you will need to give to your attorney to help your defense.

Only the judge can decide if you are competent or not to stand trial.

If you have been found incompetent, the judge could order **competency restoration** treatment. This will help you better understand the court system. Treatment might include working with your treatment team, going to classes and taking medication.

Competent to Stand Trial / Competency Restoration



Verdict

Verdict–

The **verdict** is the final decision by the judge or jury at the end of a trial that the defendant is guilty or not guilty.



Victim

Victim-

A **victim** is a person who says they were injured or hurt during the offense.



Witness–

A **witness** is a person who testifies in court to the judge or the jury about what he or she saw or heard during the offense.



Witness