

Criminal Justice: An Overview of the System

Module 1: The Criminal Justice System

1.5: The Criminal Justice Process (Continued)

Appeal: A request made after a trial by a party that has lost on one or more issues that a higher court review the decision to determine if it was correct.

Appellant: The party who appeals a lower court decision, usually seeking reversal of that decision.

Bail: The release, prior to trial, of a person accused of a crime, under specified conditions designed to assure that person's appearance in court when required.

Bench Warrant: A type of arrest warrant issued by a judge on behalf of the court rather than through police action.

Beyond a Reasonable Doubt (BRD): The legal standard of proof required to secure a conviction in criminal court.

Burden of Proof: The duty to prove disputed facts.

Criminal Justice Funnel: An analogy demonstrating a wide entry point and a much, much smaller exit point representing many crimes and very few resulting prison sentences.

En Banc: French, meaning "on the bench." All judges of an appellate court sitting together to hear a case, as opposed to the routine disposition by panels of three judges.

Evidentiary Standard: The legally required amount of evidence necessary to achieve a particular criminal justice purpose.

Flat Timed: A prison term served in its entirety without benefit of parole.

Monetary Fine: Money paid to the government as punishment for wrongdoing.

Oral Argument: An opportunity for lawyers to summarize their position before the court and also to answer the judges' questions.

Petition for a Writ of Certiorari: A formal request made by a party to a lower court decision asking the Supreme Court to review the case.

Pretrial Detention: Detaining an accused person in jail prior to trial because they did not post bail, or because they are a flight risk or pose a risk to the community.

Probation Officer: Duties include conducting presentence investigations, preparing presentence reports on convicted defendants, and supervising released defendants.

Restitution: Money paid to the victim of a crime as part of a criminal sanction.

Sentence: The punishment ordered by a court for a defendant convicted of a crime.

Sentencing Guidelines: A set of rules and principles established by the United States Sentencing Commission that trial judges use to determine the sentence for a convicted defendant.

Trial: A formal examination of evidence before a judge in order to determine guilt.

United States Circuit Courts: An old name for the United States Courts of Appeal.

United States Sentencing Commission: The agency responsible for the establishment of sentencing policies and procedures for the federal court system.