

Criminal Justice: An Overview of the System

Module 5: Courts and Sentencing

Section 5.3: Pretrial Process

Adjudicated Delinquent: A juvenile that has been found guilty by a judge of committing a delinquent act.

Adjudicatory Hearing: Similar to an adult trial, a fact finding process whereby the juvenile court determines if the allegations made in the petition were sustained.

Bail Reform Act of 1984: A federal law that authorizes and sets forth the procedures for a judicial officer to order the release or detention of an arrested person pending trial, sentence, and appeal.

Bifurcated Hearing: A two-part juvenile court proceeding where the adjudicatory phase is separated from the disposition phase.

Coffin v. U.S. (1895): The landmark SCOTUS decision that established the presumption of innocence in American criminal law.

Community Defender Organization: Non-profit organizations that provide attorneys to indigent defendants in criminal cases.

Criminal Justice Act (CJA): Enacted in 1964 to establish a comprehensive system for appointing and compensating lawyers to represent defendants financially unable to retain counsel in federal criminal proceedings.

Discovery: Procedures used to obtain disclosure of evidence before trial.

Disposition: The phase of a juvenile delinquency proceeding analogous to the sentence in an adult trial.

Disposition Hearing: The phase of a juvenile delinquency proceeding when the judge decides what form of training and treatment will be in the best interest of the child.

Ex Parte: A proceeding brought before a court by one party only, without notice to or challenge by the other side.

Exculpatory Evidence: Evidence that tends to prove the innocence of the defendant in a criminal trial.

Federal Public Defender: An attorney employed by the federal courts on a full-time basis to provide legal defense to defendants who are unable to afford counsel.

Guilty Plea: An admission of culpability (blameworthiness) for a crime.

Judicial Diversion: A judicial treatment of a case where no official record of a conviction is made if certain conditions are met by the defendant.

Motion to Suppress: A formal request to a judge that certain evidence not be considered at trial.

Nolo Contendere Plea: A plea of "no contest."

Not Guilty Plea: A plea meaning that the defendant denies culpability for the alleged criminal act.

Petition: A document filed in juvenile court alleging that a juvenile is a delinquent and asking that the court assume jurisdiction.

Post-disposition Hearing: The phase in a juvenile delinquency hearing where the judge decides what to do with the juvenile; analogous to the sentencing phase in an adult trial.

Pretrial Motions: Motions made before a trial gets underway, such as motions to suppress evidence, and motions to dismiss the case entirely for want of evidence.

Pro Bono Publico: A Latin legal phrase meaning "for the public good"; often used to describe attorneys representing indigent clients free of charge.

Racketeering and Corrupt Influence Organization (RICO): A federal statute designed to make it easier to prosecute organized crime cases.

Release on Recognizance (ROR): A release from custody based strictly on the defendant's promise to return to court for further proceedings.

Sustaining the Petition: A finding by a juvenile judge that the allegations against a juvenile are true; the juvenile court analog of a guilty verdict in adult court.

U.S. v. Salerno (1987): A landmark SCOTUS decision in which the court ruled that the pretrial detention of a dangerous defendant was not a due process violation so long as the dangerousness was proven.