

Criminal Justice: An Overview of the System

Module 5: Courts and Sentencing

Section 5.4: The Criminal Trial

Aggravating Circumstances: Situational factors that increase the seriousness or culpability of a criminal act, such as the heinousness of the crime.

Alibi: A legal defense based on the claim of being elsewhere when a crime occurred.

Bench Trial: A trial without a jury, in which the judge serves as the fact-finder.

Bifurcated Trial: A trial that has a first phase where guilt is determined, and then a second phase where the sentence is determined.

Challenge for Cause: A type of challenge used in the voir dire process that excludes a potential juror for a stated reason that is allowed by law.

Charge to the Jury: A judge's explanation of the applicable law to the jury at the conclusion of a criminal trial prior to jury deliberation.

Circumstantial Evidence: Evidence that requires an inference be made by the finder of fact.

Closing Arguments: A reiteration of each side's important arguments at the conclusion of a criminal trial.

Confrontation Clause: A clause of the Sixth Amendment to the United States Constitution which provides that "in all criminal prosecutions, the accused shall enjoy the right...to be confronted with the witnesses against him."

Direct Evidence: Evidence that proves the truth of an assertion without the need for any inferences.

Double Jeopardy: The unconstitutional practice of prosecuting a person twice for the same offense within the same jurisdiction.

Federal Rules of Evidence: Rules established by the SCOTUS in an effort to codify the many rules of presenting evidence in federal criminal courts.

Foreperson: The leader and spokesperson for a jury who is usually responsible for reading the jury's verdict in court.

Hearsay: Evidence presented by a witness who did not see or hear the incident in question but heard about it from someone else.

Hung Jury: A jury unable to reach a decision as to the guilt of the defendant; results in a mistrial.

Jury Instructions: A judge's directions to the jury before it begins deliberations regarding the factual questions it must answer and the legal rules that it must apply.

Jury Nullification: A finding of not guilty by a jury that believes the defendant does not deserve punishment.

Mitigating Circumstances: Situational factors that can serve to reduce the culpability of a criminal act, such as the defendant's age, mental disease, or lack of a prior criminal record.

Motion for a New Trial: A request after a legal judgment has been made that a new trial be given because of significant legal errors in the first trial.

Peremptory Challenge: A court may grant each side in a civil or criminal trial the right to exclude a certain number of prospective jurors without cause or giving a reason.

Rebuttal: The phase of a criminal trial where an effort by one side is made to refute the evidence of the other side.

Right to a Public Trial: An individual liberty guaranteed by the Sixth Amendment.

Right to a Speedy Trial: An individual liberty guaranteed by the Sixth Amendment; the basic purpose of the right is to prevent accused persons from languishing in jail.

Right to a Trial by Jury: An individual liberty guaranteed by the Sixth Amendment; the basic purpose of the right is to prevent accused persons from being found guilty of a crime in an unfair way.

Right to Confront Witnesses: The Sixth Amendment guarantees criminal defendants the right to face their accusers in court.

Right to Notice of Accusations: The Sixth Amendment guarantees the right of the people to be given fair notice of the charges against them.

Rules of Evidence: Legal rules that govern what, how, and for what purpose evidence can be admitted into court.

Sequester: To isolate members of a jury so they are not exposed to outside information about a case.

Testimonial Evidence: An oral or written assertion offered into evidence as proof of a fact.

Voir Dire: Jury selection process of questioning prospective jurors, to ascertain their qualifications and determine any basis for a challenge.