

## Criminal Justice Terminology

**Probable Cause:** Probable Cause is a legal standard that there is sufficient reason based upon known facts that a crime has been committed by the person accused. Arrests, summons, and charges must be supported by probable cause for the case to move forward.

**Arraignment:** A hearing where the Defendant is informed of the charges they are facing. At arraignment, the Defendant may enter a plea of either "guilty" or "not guilty." Trial must typically take place within six (6) months after a "not guilty" plea.

**Bail / Bond:** Bail is set by the Court. Bail is a written promise signed by the Defendant, sometimes supported by collateral or supervision requirements, to ensure that the Defendant will appear in court at the scheduled date and time.

**Diversion Program:** The DA's Diversion Program provides an alternative to prosecution for eligible defendants who are taking responsibility for their offense. Diversion supervision matches services to needs and incorporates **restorative justice** to meet victims' needs and repair harm from the offense. After successful completion of diversion, the case is dismissed.

**Motions Hearing:** A Motions Hearing is held prior to trial to decide constitutional, legal, or evidentiary issues such as which evidence, if any, should be excluded.

**Jury Trial:** Defendants may request a trial in most cases. At trial, the Prosecutor has the **Burden of Proof** and the Defendant is **presumed innocent** throughout the trial. This means that the Prosecutor must present evidence to prove each element of each offense **beyond a reasonable doubt** and a Defendant may present a defense, but does not have to. Jurors are members of the public. Jury trials are decided by juries of six (6) for misdemeanor charges and juries of twelve (12) for felonies. All jurors must unanimously agree in finding the Defendant **guilty** or **not guilty**. If the Defendant is found guilty, the sentence is decided by the judge.

**Plea Offer:** A Plea Offer is an offer from the Prosecutor to the Defendant to reach a **Plea Agreement**. A Plea Agreement is an agreement between the Defendant and the Prosecutor in which the Defendant agrees to give up their right to trial by pleading guilty to certain charge(s) in exchange for having more serious charges dismissed. In some cases, and with the consent of the parties and the Court, sentencing or a deferred judgement can be agreed to as part of the plea agreement.

## ADULT Criminal Justice System

