

# *GLOSSARY OF TERMS - CRIMINAL*

**Acquittal:** A finding that the defendant is not guilty of the charges brought by the government. This finding may be reached by the trial judge in a case tried before a judge alone or by the jury in a case tried before a jury.

**Addendum:** An addition to the presentence report prepared by the probation officer. The addendum includes any objections to the report raised by the parties and states how the probation officer believes the court should resolve the objections.

**Adjusted offense level:** In guidelines sentencing, the base offense level assigned by the sentencing guidelines to a particular offense is expressed as a number. If the base level is modified to account for specific offense characteristics or adjustments, the new level or number is called the adjusted offense level.

**Adjustment:** In guidelines sentencing, a defendant's base offense level may be adjusted upward or downward. The guidelines call for adjustments based on the status of the victim, the offender's role in the offense, the existence of multiple counts, the defendant's obstruction of justice, and the defendant's acceptance of responsibility for the criminal conduct at issue. One or more adjustments may apply.

**Adversary system:** A term often applied to the Anglo-American system for resolving criminal cases because that system involves pitting two adversaries, the government and the defendant, against each other in court. The underlying theory of the adversary system is that the clash between two equally matched adversaries is likely to yield the truth in a given case, that is, what actually happened.

**Affidavit:** A sworn written statement. Complaints, search warrants, and arrest warrants must be supported by affidavits establishing probable cause.

**Alibi defense:** A defense to a criminal charge which asserts that the defendant could not have committed the crime at issue because the defendant was at a different location when the crime was committed. When requested to do so by the government, a defendant must give written notice of an intention to offer a defense of alibi.

**Allocution:** An oral pleading or argument made to the court at sentencing by counsel for the defendant, the defendant, and the prosecutor. During allocution, the speaker attempts to persuade the judge that a particular sentence should or should not be imposed.

**Alternate juror:** A juror who is selected in the same manner as a regular juror and hears the evidence in a case along with the regular jurors but does not help decide the case unless called upon to replace a regular juror.

**Appeal:** A defendant who has been found guilty after a trial has the right to appeal the conviction to the appropriate U.S. court of appeals and seek a new trial or other relief. Similarly, when authorized by statute, a party adversely affected by a sentence imposed by the court or by a pretrial ruling of the court may appeal that sentence or ruling to the court of appeals and seek a different result.

**Arraignment:** When the defendant is brought before the court, informed of the charges, and called upon to enter a plea to the charges. The defendant is given a copy of the indictment or information before being called upon to enter a plea.

**Arrest:** Occurs when, either through show of force or actual physical seizure, a law enforcement

officer detains a person or otherwise leads that person to reasonably believe that he or she is not free to leave.

**Arrest warrant:** A court order authorizing an officer to arrest a person and bring that person before the nearest available magistrate judge.

**Assimilative Crimes Act:** A statute providing for prosecution in U.S. district court of state and local offenses occurring on federal property. The Act requires district courts to apply the law of the state in which the federal property is located.

**Assistant United States Attorney (AUSA):** A federal prosecutor who assists the U.S. Attorney in the judicial district by advocating the government's position in criminal cases before the court.

**Attorney General:** The official of the executive branch appointed by the President to head the Justice Department.

**Bail:** Generally refers to the release of persons charged with an offense prior to trial under specified financial or nonfinancial conditions designed to ensure their appearance in court when required.

**Bail Reform Act of 1984:** A statute establishing criteria and procedures governing the release and detention of defendants in federal criminal cases.

**Base offense level:** The raw number or point score assigned by the sentencing guidelines to each offense. The base offense level may be modified if specific offense characteristics exist. For example, the base offense level for guideline Section 2B1.1 (Larceny, Embezzlement, and Other Forms of Theft) is 4. But if the object stolen was a firearm, the base offense is increased (adjusted upward) by one level, to 5.

**Brady material:** In *Brady v. Maryland*, the Supreme Court held that evidence or other information known to the prosecution which is material to a case and favorable to the accused on the issues of guilt or punishment must be revealed by the government when requested by the defense.

**Bureau of Alcohol, Tobacco, and Firearms (ATF):** A federal law enforcement agency that investigates cases involving alleged violations of federal gun laws, arson, illegal use of explosives, and illegal production of alcoholic beverages. The Bureau is part of the Treasury Department.

**Bureau of Prisons:** Responsible for operating and developing correctional institutions for federal criminal defendants who are ordered into the custody of the Attorney General to serve sentences of imprisonment. The Bureau is part of the Justice Department.

**Challenge for cause:** A challenge to a proposed juror based on the contention that, as a matter of law, the juror cannot decide the case at hand fairly and impartially. A challenge for cause must be based on specific grounds. If granted, it has the effect of excusing the prospective juror from service on the jury.

**Closing argument:** The part of the trial at which each side summarizes the evidence and attempts to convince the judge or jury that the evidence supports its side of the case.

**Community defender organization:** A nonprofit defense counsel service organized by a group of attorneys in private practice authorized by the U.S. district court to handle Criminal Justice Act (CJA) cases.

**Complaint:** A written statement of the essential facts of the offense charged, made upon oath before a magistrate judge.

**Controlled substance:** A narcotic or non-narcotic drug listed in one of the five schedules of controlled substances in Title 21 of the U.S. Code. The federal statutes making possession, distribution, manufacturing, and importation of controlled substances illegal are found in Title 21 of the U.S. Code.

**Count:** An indictment may contain allegations that the defendant has committed more than one crime. Each allegation must be listed separately. The separate allegations are referred to as the

counts of the indictment.

**Court:** Lawyers often refer to the judge or magistrate judge presiding over their case in the third person as "the court." For example, a lawyer may say, "The court sustained the objection," in describing a ruling made by the judge or magistrate judge handling the case.

**Criminal docket:** The total number of criminal cases in a district court at any given time.

**Criminal history category:** The sentencing guidelines call for consideration of the defendant's criminal history at sentencing and assign numbers, or points, to relevant prior convictions of the defendant. The total number of points determines the defendant's criminal history category. There are six criminal history categories.

**Criminal Investigation Division (CID):** This division of the Internal Revenue Service, part of the Treasury Department, investigates alleged violations of the tax laws.

**Criminal Justice Act (CJA):** A federal statute designed to implement the Sixth Amendment right to counsel by providing court-appointed attorneys to represent defendants who cannot afford to pay for a lawyer's services.

**Criminal record:** A copy of the defendant's prior criminal record, if any, must be given by the government to the defense upon request during discovery.

**Cross-examination:** Under the Sixth Amendment, the defendant has the right to confront and to cross-examine the government's witnesses. The government also has the right to cross-examine defense witnesses at trial. Ordinarily, questions on cross-examination are designed to test the credibility of the witness or to emphasize facts that are favorable to the questioner's case.

**Departure:** A judge can sentence a defendant to a term of imprisonment which is greater or lesser than the applicable sentencing range in the U.S. Sentencing Commission's sentencing guidelines if the judge concludes that a departure is appropriate. A departure from the applicable sentencing range is permitted only when the judge finds that there is an aggravating or mitigating circumstance which the Sentencing Commission has not already considered in the guidelines.

**Detention hearing:** Under the Bail Reform Act, a hearing may be held in cases involving defendants who are charged with serious felonies or whose record indicates that they may flee or pose a serious risk of danger to the community if released prior to the trial. If, after an evidentiary hearing, the magistrate judge finds that no pretrial release conditions will reasonably ensure either the appearance of the defendant in court, the safety of the community, or the safety of another person, the defendant may be ordered detained without bail pending trial.

**Direct examination:** The initial questioning of a witness by the attorney who called that witness to the stand.

**Discovery:** When the defendant's attorney meets with the prosecutor and requests disclosure of certain types of evidence against the defendant. The government may then make a reciprocal discovery request of the defendant.

**Dismissal:** Either the government or the defendant can ask the court to dismiss a pending criminal case. The court may deny the motion, or may either dismiss the case "with prejudice" or "without prejudice." When a case is dismissed with prejudice, the government cannot prosecute the defendant again on the same charge. A dismissal without prejudice allows the government to reindict the case and bring the charges again at some future date if it so chooses.

**Drug Enforcement Administration (DEA):** A federal law enforcement agency with primary responsibility for investigating drug cases. The DEA is part of the Justice Department.

**Entry of judgment:** After a defendant is sentenced, the clerk enters the judgment of conviction on the docket sheet.

**Evidentiary hearing:** A hearing held in open court before a judge or magistrate judge at which the testimony of witnesses is taken and exhibits may be introduced into evidence.

**Excludable time:** The Speedy Trial Act lists a number of events, often referred to as "excludables", which may make it impossible to begin a defendant's trial within the time period required by the Act. The Act provides that the period of delay resulting from these events, called "excludable time", is not to be included in any calculations made to determine compliance with the Act.

**Exhibit:** A piece of physical evidence which is marked for identification and/or introduced into evidence.

**FBI rap sheet:** Informal term for a record kept by the FBI listing all arrests and convictions of persons charged with crimes.

**Federal Bureau of Investigation (FBI):** A federal law enforcement agency that investigates alleged violations of federal criminal laws governing banking, gambling, white collar fraud, public corruption, civil rights, interstate transportation of stolen property, and elections. The FBI is part of the Justice Department.

**Federal crime:** A violation of a criminal law passed by Congress. Federal crimes are investigated by federal law enforcement agencies and prosecuted by the U.S. Attorney for the judicial district in which the crimes occurred.

**Federal public defender organization:** The CJA provides for the establishment of such organizations to represent indigent defendants. Each organization is supervised by a federal public defender appointed by the court of appeals for the circuit.

**Federal Rules of Criminal Procedure:** A body of rules developed by the federal judiciary that provides a comprehensive procedural code for use in federal criminal cases. Rules can take effect only after they are forwarded to Congress for review and congress declines to change them.

**Felony:** A criminal offense for which the possible penalty exceeds one year in prison.

**Financial Affidavit Form (CJA Form 23):** A form containing questions about the assets, obligations, and debts of defendants applying for court services under the CJA.

**Fine:** The judge may order the defendant to pay a fine as part of a federal criminal sentence. The U.S. Sentencing Commission's sentencing guidelines require the judge to impose a fine within the applicable range in all cases except for those cases in which the defendant establishes an inability to pay a fine or that payment of a fine would unduly burden the defendant's dependents.

**Grand Jury:** A group of citizens empaneled by the court to hear evidence and determine whether there is probable cause to return an indictment against a defendant. The Federal Rules of Criminal Procedure requires that 16 to 23 persons sit on a grand jury.

**Grand jury foreperson:** The grand juror appointed by the court to handle administrative matters relating to the grand jury's work.

**Guidelines Manual:** Created and distributed by the U.S. Sentencing Commission, the Manual includes sentencing guidelines, policy statements, and commentary on the guidelines.

**Guilty plea:** When a defendant enters a guilty plea, the defendant waives the right to trial and, unless the plea is an Alford plea or a plea of nolo contendere, admits to the court that he/she committed the offense. If the court accepts the plea, the case proceeds to sentencing.

**Guilty verdict:** A verdict convicting the defendant of the charge(s). When a verdict of guilty is returned, the judge orders a presentence investigation and sets a sentencing date.

**Hung jury:** A jury which is unable to reach a unanimous agreement on a verdict in a criminal case.

**Imprisonment:** The judge may order the defendant to serve a term in prison as part of a federal criminal sentence.

**Indictment:** A formal written document showing criminal charges brought by a grand jury. The Federal Rules of Criminal Procedure requires that all felony cases be prosecuted by indictment.

**Indigent defendant:** A defendant who does not have the financial resources to hire an attorney and who qualifies for a court-appointed attorney under the CJA.

**Information:** A formal criminal charge brought by the U.S. Attorney alone, that is, without any participation by the grand jury in the charging decision. Misdemeanor cases are ordinarily prosecuted by the filing of an information.

**Initial appearance:** The Federal Rules of Criminal Procedure require that following an arrest, the defendant be taken before the nearest available magistrate judge without unnecessary delay. At the initial appearance, the magistrate judge informs the defendant of the nature of the charges. The defendant is also informed of the right to counsel, the right to remain silent, and the right to have a preliminary examination. After informing the defendant of these rights, the magistrate judge decides whether to release or detain the defendant.

**Jencks Act materials:** The Jencks Act requires the government to give defense counsel any prior statements of witnesses testifying for the government in a criminal case. The statements must relate to the direct testimony of the witness and need not be given to defense counsel until the government has completed its questioning of the witness. A similar requirement is imposed on the defense.

**Joinder:** The joining together of two or more offenses, or two or more defendants, in the same indictment for purposes of trial.

**Jurisdiction:** The power and authority of a court to hear and decide a particular type of case. For example, U.S. district courts have jurisdiction over cases charging violations of federal criminal laws.

**Jury:** A trial jury is the group of jurors before whom a criminal trial is held. In a criminal trial, there are 12 jurors plus alternates. The jury's duty is to weigh the evidence fairly and impartially and then decide whether the defendant is guilty or not guilty.

**Jury instructions:** After all the evidence in a case has been presented, either before or after closing arguments, the judge instructs the jury. The instructions cover such matters as the responsibilities of the jurors, how the jurors are to go about deciding the case, and legal principles applicable to the case.

**Jury poll:** After a jury verdict is returned but before it is officially recorded, the jury may be polled at the request of either party. During the poll, each juror is asked whether he or she agrees with the verdict announced by the foreperson.

**Jury selection:** The process by which the adversaries select a jury. The prosecutor and the defense attorney jointly select the jury by using challenges to eliminate those jurors that they believe are biased or unsympathetic to their respective case.

**Justice Department:** An executive branch agency with responsibilities in a wide range of areas bearing on the administration of justice. In the criminal area, the Justice Department is responsible for investigating alleged criminal conduct and deciding which cases merit prosecution in the federal courts.

**Leading question:** A question which, by its phrasing, suggests to the witness the answer desired by counsel. For example, the phrasing of the question, "The car was blue, wasn't it?" suggests that the questioner wants the witness to testify that the car was blue. Leading questions are allowed on cross-examination but not on direct examination.

**Local rules:** Each U.S. district court is authorized to "make and amend rules governing its practice not inconsistent with" the Federal Rules of Criminal Procedure. These rules are often referred to as local rules.

**Mandatory minimum sentence:** A statutorily defined minimum term of imprisonment that the court is required to impose on a defendant at sentencing. For example, a defendant convicted of distributing one kilogram or more of a substance containing a detectable amount of heroin must be sentenced to "a term of imprisonment which may not be less than 10 years or more than life" under Title 21 U.S.C. Section 841(b)(1)(A)(i).

**Misdemeanor:** A criminal offense for which the maximum penalty is one year in prison.

**Mistrial:** A ruling by the court that the trial is to be terminated and given no effect because of an error in the proceedings. The court may also declare a mistrial when the jury is unable to agree on a verdict.

**Motion:** A request by either the government or the defense for a ruling by the court on a particular matter. Motions filed before trial are generally referred to as pretrial motions. All motions, other than those made during a trial or hearing, must be in writing, unless the court permits them to be made orally.

**Motion for judgment of acquittal:** The court, on motion of a defendant or on its own motion, must order the entry of a judgment of acquittal if the evidence on a given charge is insufficient to sustain a conviction. The court may grant the motion if it concludes that, based on the government's evidence, no reasonable juror could conclude that the defendant is guilty beyond a reasonable doubt.

**Motion for new trial:** The Federal Rules of Criminal Procedure allow the defendant to file a motion for a new trial within seven days of a verdict or finding of guilt by a judge. The court may grant the motion if it is required in the interests of justice.

**No true bill:** A proposed charge which the grand jury has rejected by refusing to return an indictment.

**Objection:** When an attorney alerts the judge to potential problems which may be caused by admission of evidence and asks the court to prevent the jury from hearing the evidence. An attorney who disagrees with a ruling by the court must register an objection to that ruling in order to make the trial record clear and establish the right to object to the ruling before the appellate court, should there be an appeal.

**Opening Statement:** The initial address to the jury that the attorneys for each side make after the jury is sworn to explain what evidence they intend to present during the course of the trial and what they believe that evidence will show.

**Overrule:** The ruling of the court when there is no merit to an objection made to a question asked of a witness. The witness is then allowed to answer the question.

**Panel attorney:** An attorney in private practice who has been found qualified and eligible to represent indigent defendants under the Criminal Justice Act (CJA).

**Parole:** The Sentencing Reform Act of 1984 abolished parole. Offenders whose crimes were committed on or after November 1, 1987, are sentenced by the court under guideline sentencing procedures established by the United States Sentencing Commission.

**Peremptory challenge:** A challenge to a prospective juror for which no specific reason need be given. A successful peremptory challenge has the effect of excusing the prospective juror from service on a particular jury. The number of peremptory challenges available to the government and the defense varies, depending on whether the case is a capital felony, felony, or misdemeanor. The Supreme Court has ruled that peremptory challenges may not be based on race of the prospective juror.

**Physical evidence:** During discovery, the defendant is entitled to inspect and copy certain physical evidence in the possession of the government. Discoverable physical evidence consists of books, objects, papers, documents, photos, buildings, and places within the possession or control of the government.

**Plea agreement:** An agreement between the government and the defendant to resolve a pending criminal case by the defendant's entry of a guilty plea rather than going to trial. The prosecutor may agree to dismiss or reduce certain charges, or recommend a certain sentence, or agree with the defendant that a certain sentence is appropriate in return of the defendant's entering a plea of guilty.

**Preliminary examination:** A preindictment hearing at which the prosecutor must present

evidence sufficient to establish probable cause that a federal offense was committed and that the defendant committed it.

**Presentence investigation and report:** Before sentencing, a probation officer investigates the defendant's background, financial condition, criminal offense(s), and criminal history. The probation officer incorporates the information revealed by this investigation in a presentence report. The report is prepared to assist the judge in deciding how to sentence the defendant. The investigation is sometimes referred to informally as the PSI (presentence investigation) or PSR (presentence report).

**Presumption of innocence:** Before the trial begins, the court instructs the jury to presume the defendant is innocent of all charges. The jury is also instructed that before the defendant can be found guilty, the government must overcome the presumption of innocence and persuade the jurors that the defendant is guilty by proof beyond a reasonable doubt.

**Pretrial conference/status hearing:** A conference held prior to trial to consider and resolve important issues in a given case and promote the fair and speedy trial of the case.

**Pretrial proceedings:** Generally refers to the events that occur between the time the defendant first appears in court and the time of trial. These events may include a detention hearing, a preliminary examination, an arraignment, discovery, and filing pretrial motions.

**Pretrial Services Officer:** An officer of the court who collects and verifies the information used by judges in deciding issues related to pretrial release and detention. In some districts, probation officers also serve as pretrial services officers.

**Pretrial Services Report:** A report prepared by a pretrial services officer containing information about a defendant's personal history, criminal record, and financial status. The report is given to the U.S. magistrate judge, the prosecutor, and defense counsel for use in deciding issues related to the question of bail.

**Pro se:** Latin phrase ("in one's own behalf") applied to defendants who waive the right to counsel and act as their own lawyers in criminal cases.

**Privilege against self-incrimination:** Also known as the right to remain silent, the privilege against self-incrimination is contained in the Fifth Amendment. The privilege may be invoked in a variety of situations. It is most frequently invoked at the police station, before the grand jury, in the field following an arrest, or at trial. The privilege against self-incrimination allows a person to remain silent in the face of accusation or questioning by government agents.

**Probable cause:** The legal standard defining the amount of evidence or information needed to justify a search or an arrest. The Fourth Amendment requires that arrests and searches made by law enforcement officers be justified by probable cause. An arresting officer has probable cause for an arrest only if there is enough reliable information or evidence to support the officer's reasonable belief that a crime has been committed and that the defendant committed it.

**Probation:** A criminal sentence in which the defendant is placed under court supervision for a specified period of time but allowed to remain in the community. While on probation, the defendant is required to report to a probation officer and comply with other court-imposed conditions.

**Probation officer:** Probation officers perform important duties for the court both before and after sentencing. Prior to sentencing, they are responsible for conducting presentence investigations and preparing presentence reports. After sentencing, probation officers are responsible for supervising probationers and persons on supervised release. They also serve as parole officers for offenders released by the United States Parole Commission, that is, offenders sentenced for offenses committed before November 1, 1987.

**Proof beyond a reasonable doubt:** The level or quality of proof needed to convict a criminal defendant at trial. The government has the burden of proof in a criminal case and, in order to obtain a conviction, must introduce evidence which convinces the jury or judge that there is no reasonable doubt that the defendant is guilty.

**Reciprocal discovery:** After the defendant has been given discovery by the government, the

government can make limited reciprocal discovery requests of the defendant.

**Reports of examinations and tests:** During discovery, the defendant is entitled to inspect and copy the results or reports of physical examinations, mental examinations, and scientific tests or experiments in the possession of the government.

**Restitution:** Payment by the defendant of money or services to the victim of a crime for losses suffered as a result of the offense. Restitution must be ordered as part of the defendant's sentence for violating certain sections of the U.S. Code. It may also be ordered as a condition of probation or of supervised release.

**Revocation of probation or supervised release:** A probationer who violates one or more conditions of probation runs the risk that the sentence of probation may be revoked. Upon revocation, the probationer may be sentenced to a term of imprisonment. The same is true for persons on supervised release.

**Right to counsel:** The Sixth Amendment to the Constitution provides that, "the accused shall enjoy the right to . . . have the assistance of counsel for his defense."

**Search warrant:** A court order authorizing a law enforcement officer to search certain described premises for specified objects and to seize the items described.

**Sentence:** A judgment of the court imposing punishment upon a defendant for criminal conduct.

**Sentencing hearing:** A court hearing at which the defendant is sentenced. At the hearing, the court considers the attorneys' comments on the probation officer's recommendations, allows the attorneys to state their positions regarding sentencing, and gives the defendant an opportunity to make a statement. The court then imposes sentence.

**Sentencing range:** One of the goals of guidelines sentencing is to ensure that similar offenders who commit similar crimes are given similar sentences. In order to help achieve this goal, the guidelines establish sentencing ranges. Unless the judge grants a departure, a defendant's sentence must fall within the applicable sentencing range.

**Sentencing Reform Act of 1984:** A statute passed by Congress which establishes the U.S. Sentencing Commission and gives the Commission authority to issue sentencing guidelines for use in federal courts.

**Special assessment:** The Victims of Crime Act of 1984 requires the courts to impose special assessments on convicted defendants for the purpose of funding a Crime Victims Fund. Money deposited in the fund is awarded to the states for use in victim assistance and victim compensation programs.

**Speedy Trial Act:** A statute which imposes a series of time deadlines upon courts and prosecutors in criminal cases in order to ensure the defendant a speedy trial.

**Statement:** During discovery, the defense is entitled to inspect and copy any relevant written or recorded statements made by the defendant which are in possession of the government. The substance of any oral statements made by the defendant to a government agent must also be disclosed.

**Statement of reasons:** The court's reasons for imposing a particular sentence. The Sentencing Reform Act of 1984 requires the court to state its reasons for imposing a particular sentence in open court at the time of sentencing. The Act also requires the court to provide a transcript or other public record of its statement of reasons to the probation system and to the Bureau of Prisons.

**Stipulation:** A stipulation is an agreement between the defendant and the prosecutor. The stipulation may take the form of an agreed-upon term or condition in a legal document or an agreement between the parties establishing a certain fact as evidence during a trial. When a fact is stipulated to during a trial, no evidence of that fact is required because the parties have agreed to accept it as true.

**Subpoena:** A court order requiring a person to appear at a trial or hearing for the purpose of

testifying as a witness. Under the Sixth Amendment, a criminal defendant has the right to compulsory process, that is, the right to subpoena witnesses to testify for the defense at trial. The government may also subpoena witnesses for trial. A subpoena may also order a witness to bring to a trial or hearing certain documents which are relevant to the case.

**Substantial assistance:** The United States Sentencing Commission's sentencing guidelines contain a policy statement allowing the court to depart from the guidelines and impose a lesser sentence if the government files a motion stating that the defendant has provided substantial assistance to it in the investigation or prosecution of another person which has committed an offense. Such a motion of the part of the government may be part of a plea agreement with the defendant.

**Summons:** A court order commanding an individual to appear before a magistrate judge at a certain time to answer charges. A summons is similar to an arrest warrant, except that a summons directs the defendant to appear on his own before a magistrate judge. An arrest warrant is a court order that he or she be arrested and be brought to the nearest available magistrate judge by a law enforcement officer.

**Supervised release:** A term of supervised release must be ordered by the court when required by statute or following a sentence of more than one year in prison. Like offenders placed on probation, offenders placed on supervised release are allowed to remain in the community; they are supervised by officers of the court and are required to observe certain conditions of their release.

**Suppression motion:** A motion filed by the defendant seeking to suppress or prevent the government from using evidence at trial that the government is alleged to have obtained illegally.

**Sustain:** The ruling of the court when it determines that the objection to a question asked of a witness has merit and that the questions must not be answered. For example, if the court sustains a prosecutor's objection to the form of a question posed by defense counsel, the witness is not allowed to answer the question until counsel phrases it properly.

**Testimony:** The testimony of a witness includes all statements made by the witness in open court under oath and during the course of a hearing or trial in response to questioning by defense counsel, the prosecutor, or the court.

**Trial:** The proceeding at which the government and the defense produce evidence for consideration by a trier of fact in open court. The trier of fact may be a judge or a jury. The trier of fact applies the law to the facts as it finds them and decides whether the defendant is guilty. The Sixth Amendment guarantees the right to trial by jury in all criminal cases other than those involving petty offenses.

**True bill:** Another name for an indictment returned by the grand jury.

**U.S. Attorney:** The chief federal prosecutor for each judicial district.

**U.S. Constitution:** The U.S. Constitution (including its amendments) establishes the basic structure and functions of the federal government. The first ten amendments to the Constitution are referred to as the Bill of Rights. The Constitution grants certain specified rights, often called constitutional rights, to the American people. It also places limits on the powers and activities of our federal and state governments.

**U.S. District Court Judge:** A federal judge appointed by the President, with the advice and consent of the Senate, to handle criminal and civil matters at the district court level. A U.S. District Court Judge is appointed for life.

**U.S. Magistrate Judge:** A judicial officer appointed by the judges of a U.S. district court and authorized to perform a variety of tasks in criminal and civil cases.

**U.S. Marshal's Service:** An agency of the Justice Department, charged with providing courtroom security in federal district courts, apprehending federal fugitives, transporting federal prisoners, and supervising the Justice Department's Witness Security Program.

**U.S. Postal Inspectors:** U.S. Postal Service inspectors who investigate offenses involving the use of the mails.

**U.S. Secret Service:** A federal law enforcement agency charged with protecting the President and other public officials and investigating alleged violations of certain federal currency laws, such as counterfeiting and theft of government checks. The Secret Service is part of the Treasury Department.

**U.S. Sentencing Commission:** The Sentencing Reform Act of 1984 established the U.S. Sentencing Commission as an independent commission in the judicial branch of the government. The Commission's task is to develop sentencing policies and practices for use in the federal courts.

**Verdict:** A finding by a judge or jury, delivered in open court, that the defendant is guilty or not guilty of a charged offense.

**Voir dire:** The part of the jury selection process during which prospective jurors are asked questions bearing on their ability to decide the case before them fairly and impartially.

**Waiver:** The act of knowingly, intentionally, and voluntarily giving up a certain right. For example, a defendant who intends to plead guilty must first waive his/her right to a jury trial in order for the guilty plea to be accepted by the court.