

DEFINITIONS

Arraignment: The preliminary step taken by the court in a criminal prosecution, when a criminal defendant is brought before the court to hear the charges, be advised of his rights, and enter a plea.

Arrest Warrant: Criminal court order directing a law-enforcement officer to arrest and bring a criminal defendant to court.

Commitment: Criminal court order directing an officer to bring an incarcerated criminal defendant to court.

Mistrial: A trial that the judge brings to an end without a determination on the merits because of a procedural error or serious misconduct during the proceedings. In a criminal trial, when the jury cannot agree on a verdict unanimously, the judge usually rules that there is a mistrial.

Indictment: Formal written statement of a crime and presentation of the charges made by a grand jury, indicating that the case should be tried, also called a "true bill."

Information: Formal written criminal charge made by the prosecution without a grand-jury indictment, pursuant to a holding order by a criminal court. See preliminary hearing.

Plea: Response of a criminal defendant to the charges. Possible pleas include "Not Guilty," "Guilty," "No Contest," "Jeopardy," or "Not guilty by reason of insanity." A defendant may enter a "No Contest" plea without admitting guilt if he does not wish to contest the charges. For criminal court purposes, a "No Contest" plea has the same effect as a "Guilty" plea.

Preliminary Hearing: Criminal court hearing to determine whether there is sufficient evidence to prosecute a felony. The prosecution presents evidence to show that there is probable cause that a public offense occurred and that the defendant probably committed the offense. At the conclusion of the preliminary hearing, the defendant may be "held to answer," i.e., required to answer the charges.

Pretrial Conference: Meeting in criminal court before trial at which opposing attorneys confer, usually with the judge, to work toward the disposition of the case.

Portions of these definitions were adapted in part from **Black's Law Dictionary** (7th ed. 1999).

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Office of Pretrial Services (SORP)

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Adult Probation
(408) 435-2000

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(408) 299-2306

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COUNTY OF SANTA CLARA
OFFICE OF THE DISTRICT ATTORNEY

ADULT CRIMINAL PROCEDURE



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ADULT CRIMINAL PROCEDURE

* See definition on front of pamphlet

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